



1841

Journal of the Proceedings of the

General Assembly of the

Presbyterian Church of the United States

in the City of New York, 1841

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Laws of
1828

LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

BEGINNING MAY, 1825, AND ENDING MARCH, 1828.

MAY 1825 TO FEB 1828

—◆—
Published agreeably to a Resolve of 16th January, 1812.
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VOL. X.

Boston :

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

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1828.

LAWS
OF THE
COMMONWEALTH OF MASSACHUSETTS,
PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY-FIFTH OF MAY, AND ENDED ON SATURDAY, THE EIGHTEENTH OF JUNE, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.

CHAP. I.

An Act authorizing the Selectmen of the town of Charlestown to regulate the Police in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Charlestown be, and they hereby are authorized, to appoint as many special Police Officers, as they may think expedient, for the preservation of the peace, and for the apprehending persons guilty of any breach thereof, on the seventeenth day of the present month of June; which Police Officers shall be sworn to the faithful discharge of the duties incumbent on them by such appointment, and shall have the same power, as is by the laws of this Commonwealth given to Constables in the execution of the duties aforesaid, including a power to command assistance.

Power of Selectmen.

[Approved by the Governor, June 16, 1825.]

CHAP. II.

An Act to preserve the Forest and Wood Lands from fire, in the town of Sandwich, in the county of Barnstable.

When unlawful to set fire, &c.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person to set fire or continue the same to any coal-pit, for the manufacture of coal, in the woods and forests of the town of Sandwich, or for the purpose of burning the under brush, for clearing up the lands within the limits of said town, except from and after the first day of October to the first day of March, in each year, and at no period of the year, save as above excepted, shall fires be allowed to be placed or continued in said town, except said coal-pits be fired in the open fields, and not less than sixty rods from any forest, for the purposes above expressed, under the penalty of what shall hereafter be provided in this Act.

Penalty.

Use of penalty.

SEC. 2. *Be it further enacted*, That if any person or persons shall be found guilty of violating the provisions of this law, or any owner of the land upon which the fire shall be so set, consenting thereto, or suffering the same to be done, he or they shall forfeit and pay, on conviction thereof, before any court of competent jurisdiction, the sum of five hundred dollars, to be recovered by the Selectmen of said town of Sandwich, for the use and benefit of said town, for such offence, by indictment or information, and shall furthermore be answerable in damages to the individual proprietors of land, whose wood has been burnt by the violation of this law.

SEC. 3. *Be it further enacted*, That the Selectmen of the said town of Sandwich, for the time

being, be charged with the due execution of this law, and are hereby authorized to cause all fires commenced and continued for the purposes aforesaid, contrary to the provisions of this act, to be immediately extinguished.

Selectmen
charged with
the execu-
tion of the
law.

SEC. 4. *Be it further enacted*, That the act which passed on the fourteenth day of January, in the year of our Lord one thousand eight hundred and twenty-three, entitled, an act to regulate the burning of coal-pits in the towns of Plymouth, Kingston, Carver, and Wareham, in the county of Plymouth; and Sandwich, in the county of Barnstable, be repealed, so far as respects the town of Sandwich, after the passing of this act: *Provided*, nevertheless, that if any action or suit shall be pending under the provisions of said act, at the time of the passing of this act, they shall have day and full legal effect, as though no repealing clause respecting its operation on the town of Sandwich had been inserted in this bill.

Repeal of
Act.

Proviso.

SEC. 5. *Be it further enacted*, That it shall not be lawful for any person to carry fire from any cabin or house in the woods of said town, without carrying the same in some covered vessel, under the penalty of twenty-five dollars, to be recovered in the manner provided in this act.

Unlawful to
carry fire.

[Approved by the Governor, June 16, 1825.]

CHAP. III.

An Act for the regulation of Lamps in the City of Boston.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the publication of this act, it shall be lawful

Empowered
to make con-
tracts, &c.

for the Mayor and Aldermen of the City of Boston, for the time being, to cause to be set up and affixed such and so many lamps in the streets and other places in the said City, for the purpose of lighting the same, as they may determine to be convenient and necessary; and the said Mayor and Aldermen are hereby empowered to make all necessary contracts, rules, orders, and regulations respecting the said lamps, and the lighting and keeping the same in repair; and the regulation and preservation of the same, as they may deem most for the benefit of said City.

Fines, penal-
ties, &c.

SEC. 2. *Be it further enacted*, That whoever shall wilfully, maliciously, carelessly, or wantonly break, throw down, extinguish, or otherwise injure any of the said lamps, or the posts, irons, or other furniture to the same belonging, shall be liable to the fines, penalties, and forfeitures which are provided in and by an act entitled, "an act to prevent the wanton destruction of lamps," made and passed on the eighteenth day of February, in the year of our Lord one thousand eight hundred and twenty-four, to be recovered and appropriated in the manner provided in said act.

Repeal of
Act.

SEC. 3. *Be it further enacted*, That the act entitled "an act for regulating lamps already set up, or that may hereafter be set up, for enlightening the streets, lanes, alleys, or passage-ways in the town of Boston, and to prevent the breaking or otherwise damnifying the same, and also establishing the method for paying the expenses that may arise in supporting or maintaining said lamps," be and is hereby repealed: *Provided*, the said act shall remain in force as to all fines, penalties, and forfeitures, which have been incurred prior to the passing of this act, in and by virtue thereof.

[Approved by the Governor, June 16, 1825.]

CHAP. IV.

An Act to incorporate the New-Bedford Institution
for Savings.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Rotch, jun. Gilbert Russell, Cornelius Grinnell, Andrew Robeson, Hayden Coggshall, Benjamin Rodman, John A. Parker, Eli Haskell, Richard Williams, George Howland, Joseph Bourne, Abraham Shearman, jun. William W. Swain, Thomas Rotch, Thomas A. Green, Charles W. Morgan, Samuel Rodman, jun. John B. Smith, William C. Nye, Thomas S. Swain, William H. Allen, Lemuel Williams, jun. John Howland, jun. Charles H. Warren, William P. Grinnell, Joseph Richetson, Charles Grinnell, Nathan Bates, John Coggshall, jun. James Howland, the 2d, and Gideon Howland, be, and they hereby are incorporated into a Society, by the name, style, and title of The New Bedford Institution for Savings, and that they and such others as shall be duly elected members of the said Corporation, as in this act is provided, shall be and remain a body politic and corporate, by the same name, style. and title forever.*

Persons in-
corporated

SEC. 2. *Be it further enacted, That the said Society and Corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.*

May receive
deposits.

SEC. 3. *Be it further enacted, That all deposits of money received by the said Society, shall be by the said Society used and improved to the best advantage; and the income or profit thereof shall be by them applied and divided among the per-*

sons making the said deposits, their executors, administrators, or assigns, in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times, and in such manner as the said Society shall direct and appoint.

Power to elect members.

SEC. 4. *Be it further enacted*, That the said Society and Corporation shall, at their annual meeting in January, have power to elect by ballot any other person or persons as members of the said Society.

Have a common seal.

SEC. 5. *Be it further enacted*, That the said Society may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person by their authority and direction, according to their institution, shall be good and valid, and the said Corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style, and title aforesaid.

To sue and be sued.

Place and time of meeting.

SEC. 6. *Be it further enacted*, That the said Society shall hereafter meet at New Bedford, some time in the month of January, annually, and as much oftener as they may judge expedient; and any seven members of the said Corporation, the President, Secretary, or Treasurer being one, shall be a quorum, and the said Society, at their meetings in January, annually, shall have power to elect and choose a President, and all other such officers, as to them shall appear necessary, which officers so chosen, shall continue in office one year, and until others are chosen in their room; and all officers so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

Power to elect a President, &c.

May make laws. Proviso.

SEC. 7. *Be it further enacted*, That the said Society hereby are, and forever shall be, vested with the power of making laws for the more orderly managing the business of the Corporation: *Provided*, the

same are not repugnant to the constitution or laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That William Rotch, jun. Esq. be, and he hereby is authorized, by public notifications in the New Bedford newspapers, to call the first meeting of the said Society, at such time and place as he shall judge proper. First meeting.

SEC. 9. *Be it further enacted*, That the officers and agents of the said institution, shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, concerning the same, under oath. And the Legislature may, at any time, make such further regulations for the government of said institution, as they may deem expedient, and may alter, amend, or repeal this act at pleasure.

[Approved by the Governor, June 16, 1825.]

CHAP. V.

An Act to incorporate the Wadsworth Monument Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Hunt, Asher Goodnow, John Brown, Luther Goodnow, Adam How, Isaac Gibbs, Abel Dakin, Reuben Moore, Drury Fairbanks, Jonathan Fairbanks, jun. John Hunt, William Rice, Levi Smith, Russell Haynes, Asa Balcom, David Lincoln, Warren Moor, David Howe, Warren Maynard, Varnum Balcom, Gardner Hunt, Hull Goodnow, Christopher G. Cutter, Luther Hunt, Timothy Johnson, William Brigham, Henry Richardson, Benjamin H.

Persons incorporated.

Richardson, Enoch Kidder, John Taylor, Ezra Bigelow, Samuel Knight, Edward Fisher, Gideon Richardson, and Israel H. Brown, their associates and successors be, and they are hereby, made a body politic and corporate by the name of "The Wadsworth Monument Association," with all the powers, and subject to all the duties of aggregate corporations, and for the purposes hereinafter named.

Real & personal estate.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to take and hold by gift, grant, or devise, such real and personal estate and property as may be necessary or convenient, to promote the objects of the incorporation, viz. the construction of a Monument in Sudbury to perpetuate the memory of the gallant Captain Wadsworth and his associates, who fell in battle with the Indians, on the eighteenth day of April, in the year of our Lord one thousand six hundred and seventy-six, on Green Hill, in Sudbury; and such repairs as may be necessary to keep the same in good condition, the amount of said real estate not to exceed five hundred dollars, and of said personal estate not to exceed two thousand dollars.

Amount of real and personal estate.

First meeting.

SEC. 3. *Be it further enacted*, That the said William Hunt, Asher Goodnow, and Henry Richardson, or any two of them, may call the first meeting of said Corporation, by posting up advertisements thereof, at two or more public places in said town of Sudbury, ten days at least before the time of said meeting, at which, or at any subsequent meeting, said Corporation may choose such officers, agents, and trustees, as they may think proper, and establish such by-laws and regulations for their own government and the management of their concerns, not repugnant to the laws and constitution of this Commonwealth, as they may deem necessary, and the same may modify and annul at pleasure.

Choose officers, &c.

Establish by-laws, &c.

[Approved by the Governor, June 16, 1825.]

CHAP. VI.

An Act to incorporate the Barton Point Association.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Bryant, William Sturgis, Samuel Whitwell, Jun. George Bond, Benjamin Seaver, and their associates, successors and assigns, be and they hereby are constituted a body politic, and associate, by the name of the Barton Point Association; and the said Corporation, by that name, is hereby declared and made capable to sue and be sued, to have a common seal, and the same to alter at pleasure; to make rules and by-laws for the regulation and management of the affairs of the said Corporation, consistent with the laws of this Commonwealth, and generally to do, execute, and perform all such acts, matters and things as belong and appertain by law to bodies politic.

Persons incorporated.

Powers granted.

SEC. 2. *Be it further enacted*, That the members of the said Corporation, at their first meeting, and afterwards, annually, on such day as shall be established by the by-laws, shall choose five Directors, one of whom shall be the President, who shall have the general direction and management of their affairs; a Clerk who shall be under oath; a Treasurer, and such other officers and agents as the Corporation shall deem necessary and expedient; and the officers so chosen, from time to time, shall hold their respective offices for one year, and until others shall be chosen in their stead.

Officers.

SEC. 3. *Be it further enacted*, That the said Corporation be, and the same hereby is, declared and made capable to have, hold and possess in fee simple or otherwise, all that real estate now or lately belonging to the City of Boston, and known by the

Corporate property.

Proviso.

Power to
sell.

name of the 'Alms-House Estate,' and any other real estate not exceeding in value one hundred thousand dollars, exclusive of said Alms-House Estate, with all the rights, privileges and appurtenances to the same belonging : *Provided*, the said Corporation shall acquire the same by legal grant from the lawful proprietors thereof. And the said Corporation shall have power to sell, grant or convey, in fee simple or otherwise, any real estate which may be owned by it, and may lease, manage or otherwise improve the same, or any part thereof, in such form and manner as the Directors or the major part of them, shall, at any legal meeting, order and direct; and all deeds and instruments, for the conveyance or leasing of real estate, sealed with the common seal, and signed by the President, by authority of the Directors, shall be binding on the said Corporation.

Property di-
vided into
shares.

Shares trans-
ferable.

SEC. 4. *Be it further enacted*, That the property of said Corporation shall be divided into shares, numbered progressively from number one; and each member of the Corporation shall have a certificate signed by the President and Treasurer, with the corporate seal affixed thereto, containing the number of the share held and owned by him, which shares shall be deemed and considered as personal estate; shall be transferable by assignment on the back of the certificate, recorded by the Clerk of the Corporation, in a book to be kept for that purpose, and shall be liable to attachment on mesne process, and sale on execution, in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies; and upon the surrender of any certificate, by the assignee of any share, to the Treasurer of the said Corporation, a new certificate shall be issued and delivered by him to such assignee.

Property to
be attached.

SEC. 5. *Be it further enacted*, That the real estate and other property of the said Corporation, shall be liable to be attached on mesne process,

and to be set off or sold on execution, against the Corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process, and the said Corporation shall be entitled to redeem any estate set off or sold as aforesaid, upon the same terms, and in the same manner, as individuals are by law entitled to redeem the same.

May redeem estate.

SEC. 6. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess on the stockholders, such sums of money, not exceeding in the whole three hundred dollars on each share, as may be deemed necessary for the purchase or improvement of any real estate, or the erection, alteration or repairing of any buildings, or for the incidental expenses of the Corporation. And in case any member shall refuse or neglect to pay any such assessment, at the time fixed for the payment thereof, the Directors shall cause so many of his shares to be sold by the Treasurer, at public auction, to the highest bidder, giving notice of the time and place of sale, by publication in two newspapers printed in Boston, at least three times in each paper, the first to be not less than ten days before the sale, as shall be sufficient to produce the amount assessed and unpaid, and after deducting such amount, and all the charges of sale and advertising, the surplus, if any, shall be paid over to the delinquent proprietor upon demand; and the purchasers of the shares, sold as aforesaid, shall be entitled to receive certificates therefor, in form aforesaid.

Corporation may assess members.

Refusing to pay, shares to be sold.

SEC. 7. *Be it further enacted*, That in all meetings of the stockholders in the said Corporation, each member shall be entitled to one vote for each share held by him: *Provided*, That no member shall be allowed more votes than one third of the whole number of shares in the Corporation; and any member may appear and vote at any meeting by his proxy, appointed in writing.

Each share entitled to a vote.

Proviso.

May vote by proxy.

Either of pe-
tioners may
call meeting.

Contracts,
how binding.

SEC. 3. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of the said Corporation, by advertisement in any newspaper printed in Boston, three times, the first to be not less than ten days before the day appointed for such meeting; and the Corporation may at such, or any other meeting, agree on the mode of calling future meetings: *Provided, however*, That all contracts which shall be made by said Corporation, shall be binding on each one and all of those persons, individually, who shall be stockholders in said Corporation when such contracts respectively are made, and on their respective heirs, executors and administrators, in the same manner as if such contracts had been made by such stockholder or stockholders, in his, her or their individual capacity.

[Approved by the Governor, June 16, 1825.]

CHAP. VII.

An Act to incorporate the first Congregational Society in Southwick.

Persons in-
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Saul Fowler, Matthew Laflin, William Palmer, Reuben Dibble, Doras Stiles, Horace Moore, Salmon Foote, Chester Palmer, Abiel Cushman, Philip N. French, Reuben W. Dibble, Alexander A. Pomeroy, Norman Adams, Ebenezer R. Webb, Joel Hough, John H. Rising, Charles Bingham, Solomon Smith, Truman Gillet, Phineas Stevens, Richard Mather, Uzal Rockwell, Horace Moore, jr., L. W. Humphreys, Enoch Hine, Theron Spring, Jesse Stevens, Josiah W. Stevens, Thaddeus Foote, Silas Granger, Jerry

Hine, Eliakim Stiles, Shem Loomis, Enos Foote, Abraham Rising, jr., Daniel Palmer, Beman Palmer, Heman Laflin, Cutler Laflin, Williams Fowler, Edmund Fowler, John Mills, Friend Kellog, David Ives, Alexander Rising, John Root, 2d, Samuel Byington, Aaron Frost, Daniel French, and Rowland Loomis, with such others as may associate with them, and their successors, be, and they hereby are, incorporated into a Society, by the name of the First Congregational Society in Southwick, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth. Powers.

SEC. 2. *Be it further enacted*, That the first meeting of said Society shall be convened by a warrant, to be issued by any Justice of the Peace in the County of Hampden, directed to any member of said Society; requiring him to notify the members of said Society, to meet at a suitable time and place, to be appointed in said warrant. Justice call first meeting.

[Approved by the Governor, June 18, 1825.]

CHAP. VIII.

An Act in addition to an act, entitled "an act authorizing the United States to purchase a certain tract of Land in Charlestown, for a Navy-Yard," and in addition to an act, entitled "an act for incorporating certain persons for the purpose of laying out and making a Turnpike Road from Salem to Charles River Bridge, for building the necessary bridges on said road, and for supporting the same."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the con-

U. S. may
purchase.

sent of this Commonwealth be, and hereby is granted to the United States, to purchase, in addition to the tract of land now owned by the United States, situated in the north-easterly part of the town of Charlestown, in the county of Middlesex, and occupied as a Navy-Yard, so much land adjoining thereto, as may be necessary for the purpose of rendering the boundary lines of the Navy-Yard, bordering on the Salem Turnpike, straight. The evidence of the purchase aforesaid to be entered and recorded in the Registry of Deeds, in the said county of Middlesex: *Provided, always,* and the consent aforesaid is granted upon the express condition, that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil, and such criminal processes as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the said boundary lines of the said tract of land, may be executed therein in the same way and manner as though this consent had not been granted.

Proviso.

Turnpike &
Bridge cor-
poration may
sell.

SEC. 2. *Be it further enacted,* That the Salem Turnpike and Chelsea Bridge Corporation be, and they hereby are, authorized and empowered to convey to the United States so much of the land, now owned or possessed by them in the town of Charlestown, as may be necessary to make the boundary lines of the Navy-Yard straight; and that the said Salem Turnpike and Chelsea Bridge Corporation be, and are hereby authorized and empowered to purchase so much land, in addition to the land now owned or possessed by them in Charlestown aforesaid, and adjoining thereto, as may be necessary to make the boundary lines of said turnpike road straight; and as may be necessary to enable them to make the turnpike road passing through the town of Charlestown, of the width required by their act of incorporation.

May buy.

[Approved by the Governor, June 18, 1825.]

CHAP. IX.

An Act in addition to an Act, entitled “an act to establish a Corporation by the name of the Plumb Island Turnpike and Bridge Corporation.”

WHEREAS, in the said act, it is provided that there shall be an Arch under the said Bridge of fifty feet in width, the under side of the Arch to be at least eight feet above high water mark, at a common tide, Preamble.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of the said act as requires the said arch to be eight feet in height, be, and the same is hereby repealed: Former act repealed.
Provided, that the said arch be at all times as high as it was made at the last time the said bridge was repaired; and provided, also, that the Legislature may, at any time hereafter, repeal this act, and restore the provision in the act to which this is in addition. Proviso.

[Approved by the Governor, June 13, 1825.]

CHAP. X.

An Act in addition to an Act, entitled “an act to incorporate the United States Insurance Company.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the United States Insurance Company be, and they hereby

Increase
of Capital
Stock.
Proviso.

are, authorized to increase their present capital stock, by the additional sum of one hundred thousand dollars: *Provided*, that one half the same shall be paid in money within sixty days; and the remainder within one year from the passing of this act.

[Approved by the Governor, June 18, 1825.]

CHAP. XI.

An Act in addition to an Act, entitled, "an act to incorporate the Hampshire and Hampden Canal Company."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Hampshire and Hampden Canal Company, be, and they hereby are authorized and empowered, at any future meeting of the said Company, legally called and assembled for that purpose, to adopt regulations reducing their toll to any sum they may judge expedient, to make a difference in their toll between empty and full boats, and to vary their tolls according to the articles transported: *Provided*, that in no case, shall a higher toll be demanded, or received, than is authorized by the act to which this is in addition.

Authorized
to reduce
their toll.

Proviso.

SEC. 2. *Be it further enacted*, That the members of the said Company, in their individual capacity, shall not be liable to respond such judgments and executions as may be awarded against the said Corporation, but all such executions shall be levied only on the goods, estate, lands, rights, credits, and franchise of the said Corporation, any thing in the act to which this is in addition, to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That instead of the ratio of votes fixed in and by the eleventh section of the act to which this is in addition, there shall be allowed one vote for each and every share in the common stock of the Company. One vote for each and every share.

[Approved by the Governor, June 18, 1825.]

CHAP. XII.

Am. 193798

An Act to incorporate the Trustees of the Burley Education Fund, in Ipswich.

WHEREAS, William Burley, late of Beverly, in Preamble. the county of Essex, Esquire, deceased, by his last will and testament, which has been duly approved and allowed, did give, for the use of the Inhabitants of the town of Ipswich, in said county, an annuity, to continue for the term of ten years, "for the sole purpose of teaching poor children to read, and instructing them in the principles of the Christian religion;" and whereas, the executors of said William Burley, for the purpose of extending and perpetuating the pious and benevolent intentions of the donor, have agreed to pay the whole of said annuity in advance, to constitute a permanent fund for the purpose of educating children and youth in said town of Ipswich, on certain conditions, which said town have agreed to accept.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Lord, jun. and William Conant, jun. esquires, Josiah Brown and John Kimball, gentlemen, and Daniel Cogswell, merchant, all of said Ipswich, be, and hereby are, incorporated into a body politic, Persons incorporated.

Have a com-
mon seal.

Proviso.

Officers.

Rules, regu-
lations, and
by-laws.

Term of
Trustees.

by the name of The Trustees of the Burley Education Fund in Ipswich, and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, which they may alter at their pleasure; and they may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend to final judgment and execution, by the name aforesaid. And said Trustees and their successors, are hereby authorized to receive any donations for the purpose of promoting the Education of children and youth in said town, and the same to place on the books and accounts to be kept by them, with the amount of each donation, and the time when made: *Provided*, the annual income of said funds shall not exceed the sum of three thousand dollars; and the said Trustees shall and may annually elect from their own body or otherwise, as they may think proper, a Clerk, who shall be under oath faithfully to record the doings of said Trustees, at their meeting, and a Treasurer, to receive and apply the monies hereinafter mentioned, as hereinafter directed, who shall give bonds, with sufficient sureties, to said Trustees, in such sum as they may direct, faithfully to perform his duty, and render an account of all monies which may come into his hands as Treasurer aforesaid, and to be responsible for all negligence and misconduct in his office, and from time to time, such other officers or agents as may be necessary for the better managing of their funds; and also to make and ordain such rules, regulations, and by-laws, not repugnant to the constitution or laws of this Commonwealth, as they may from time to time think proper, and not less than three of said Trustees shall constitute a quorum for doing business.

SEC. 2. *Be it further enacted*, That the term of one of the Trustees herein before named, in his said office, shall, by lot expire at the annual town meeting every second year following the passing

of this act, at the expiration of which terms successively, the said town, at its annual meeting, shall elect by ballot, one suitable person, being an inhabitant of said town, in the place of him whose term so expires, to hold his office for ten years; and so the term of one member expiring biennially, a new election shall be made by said town at its annual meeting, in like manner, biennially, forever. And said Trustees shall always be inhabitants of said town; and not more than two of said Trustees shall be residents in any school district, while there shall be five such districts in said town: *Provided, however,* that if the place of any one of said Trustees should become vacant by death, resignation, removal from the town or otherwise, the said Trustees shall have power to elect a member, by ballot, to fill the place, thus vacated, for the remainder of the term for which such person may have been elected; and if said town, at its annual meeting, when it shall come in course to make a new election in place of one whose term expires, shall refuse or neglect to make such election, then such election shall devolve on said Trustees. And each of the persons herein before named, and every person hereafter elected a Trustee, and accepting his office, shall, before entering on its duties, make solemn oath that he will faithfully and impartially discharge the duties of his office, according to the best of his abilities and understanding.

Proviso.

SEC. 3. *Be it further enacted,* That the sum to be received by said Trustees of said executors, and all other sums of money or other property, which may come to their hands in aid of their funds, be faithfully put out and secured at interest, or vested in some productive public stocks, or in real estate, as they shall judge best, and on receipt of any interest, dividend, or income, the same shall forthwith be added to the principal, and become part thereof; and the whole fund be thus kept accumulating for the full term of ten years; after

Money to be put out at interest, &c.

which time, if the annual income of all the permanent funds in the hands of said Trustees shall be less than one hundred dollars, the said Trustees shall appropriate a sum not exceeding thirty dollars, annually, of said income, to the purpose of promoting the education of children and youth in said town, according to their necessities, and the best discretion of said Trustees, special regard being always had to the interests of the poor, the residue of said income to be added to and become part of the principal, until such income shall be one hundred dollars; after which, said Trustees shall annually appropriate a part, not exceeding one half of said annual income to the purpose aforesaid, in manner aforesaid, the residue to be added to the principal as aforesaid, until such income shall be one thousand dollars; after which, said Trustees shall annually appropriate a part not exceeding three-fourths of said annual income, to the purpose aforesaid, in manner aforesaid, the residue to be added to the principal as aforesaid, until such annual income shall be three thousand dollars; after which, said Trustees shall annually appropriate a sum not exceeding the whole of said annual income to the purpose aforesaid, in manner aforesaid forever. But no part of the principal or capital sum thus accumulated shall ever be expended: *Provided, nevertheless*, that nothing herein contained shall prevent said Trustees from expending and appropriating, for the purpose of promoting education in said town, any part or the whole of the interest or principal of any donation hereafter to be made to them, according to the directions of the donor, expressed at the time of making such donation.

Proviso.

Power to
appoint and
employ a
teacher.

SEC. 4. *Be it further enacted*, That said Trustees, and their successors, shall have power to appoint and employ some suitable person or persons, as teacher or teachers of children and youth in said town, from time to time, or to provide schooling in any suitable school in said town, or procure suit-

able books, stationary, or other necessary articles for poor children, for the purpose of enabling them to attend school to advantage, according to the best discretion of said Trustees, and as the state of the funds in their hands will admit, agreeably to the provisions of this act.

SEC. 5. *Be it further enacted*, That it shall be the duty of said Trustees and their successors, to receive, manage, and improve all such estate, real, personal, and mixed, as may hereafter come to them in their said corporate capacity, for the purpose of promoting education as aforesaid, by gift, grant, devise, or otherwise, by operation of law, in such way and manner as in their judgment will best obtain and secure the end of their incorporation; and they are also hereby authorized and empowered to lease, sell, or convey, in fee simple or otherwise, all or any part of the estate which may come to them in their corporate capacity, and for that purpose to make, execute, and acknowledge any good and sufficient deed or deeds thereof, which deed or deeds, when signed by the Treasurer, by direction of said Trustees, and sealed with their common seal, shall be valid in law to convey such estate to the purchaser, according to the conditions and meaning of such instrument, but in no case contrary to the intention of the donor clearly expressed.

Receive, &c.
real and personal estate.

Power to
lease, &c.

SEC. 6. *Be it further enacted*, That the said Trustees and their successors, shall make a report, in writing, to said town annually, of their proceedings, and the state of their funds. And said Trustees and their successors, and each of them, shall, at all times, be accountable to said town for any negligence, misconduct, or wilful mismanagement of said funds; and the debt or damage recovered by said town, in any civil court having jurisdiction of the same, for such negligence, misconduct, or mismanagement, shall be replaced in said funds, and applied accordingly; and such Trustee or Trustees, shall be held and considered thereby to

Annual report of proceedings, &c

Trustees accountable.

be removed from his or their said trust, and the vacancy or vacancies thus made, shall be supplied in manner as is herein before provided, except that, when a majority of said Trustees shall be guilty as aforesaid, such vacancies shall be filled by said town, at any meeting which may be legally called for that purpose.

Trustees paid
by town.

SEC. 7. *Be it further enacted*, That said Trustees shall be entitled to a reasonable compensation, to be paid by said town, for their services and risk in managing and taking care of said funds and estate; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

SEC. 8. *Be it further enacted*, That said Nathaniel Lord, Jun. be, and he hereby is, authorized to fix the time and place, for holding the first meeting of said Trustees, and to notify each Trustee thereof.

[Approved by the Governor, June 18, 1825.]

CHAP. XIII.

An Act to establish the Sterling Turnpike Corporation.

Persons in-
corporated.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Solomon Howe, Jonathan D. Meriam, Ephraim Howe, Amos Sawyer, William Barns, Silas Felton, Rufus Hastings, Elijah Hale, Dexter Fay, Jedediah Wood, Cyrus Shephard, and Timothy Jones, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are, made a Corporation, by the name of the Sterling Turnpike Corporation, for the purpose

of making a turnpike road, to begin near the River Bridge, a few rods south of Richardson's tavern, in the west part of Sterling; thence in nearly a straight course to the Cookshire school-house, in said Sterling; thence to the southwardly end of Shakum pond, by the houses of Cyrus Belknap and John Smith; thence near the houses of Jacob Stone and Levi Howe, junior, to Nashua River; thence to the road leading from Sawyer's mills to Berlin meeting-house, near Berlin line, and near the guide board on the road; and shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, contained in "an act, entitled an act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto.

Course of the
road.

[Approved by the Governor, June 18, 1825.]

CHAP. XIV.

An Act making provision for holding an additional term of the Supreme Judicial Court, in the County of Franklin.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, a term of the Supreme Judicial Court, to be holden by one or more of the Justices thereof, shall be annually holden at Greenfield, within and for the County of Franklin, on the first Tuesday of September.

Additional
annual term.

SEC. 2. *Be it further enacted,* That all writs, appeals, recognizances, processes, and every other matter and thing, of what kind soever the same may be, returnable to, or now pending in the Supreme Judicial Court, at the term thereof already establish-

Writs, &c.
and persons,
returnable,
& have day.

ed in said county; and all parties and persons required, before the passing of this act, to appear and attend at the term aforesaid, shall be returned to, entered, appear, attend and have day, be tried and determined in said Court, at the term established by this act, pursuant to the true intent and meaning thereof.

[Approved by the Governor, June 18, 1825.]

CHAP. XV.

An Act to incorporate the Congregational Church in Purchase Street, in the City of Boston.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Davis, Lewis Tappan, Henry H. Fuller, and Charles G. Loring, and all others who may associate with them, and their successors, be, and they are hereby, incorporated as a religious society, by the name of the Congregational Church in Purchase Street, in the City of Boston, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled, by the laws and constitution thereof.

May pur-
chase estate.

SEC. 2. *Be it further enacted,* That the said society shall be capable, in law, to purchase, hold, and dispose of any estates, real or personal, for the use of said society, the annual income of all which, shall not exceed five thousand dollars.

Two of pe-
titioners to
call meeting.

SEC. 3. *Be it further enacted,* That any two of the above named persons hereby are authorized to notify the first meeting of the members of the said Corporation, by advertising the time and place thereof, in one or more of the public newspapers,

printed in said Boston, three days at least before such meeting, and that the said society may at such, or any other meeting, agree on the mode of calling other meetings, and elect a Clerk, and Treasurer and such other officers, and such committees, and establish such rules and by-laws, not inconsistent with the constitution and laws of the Commonwealth, as they shall see fit, and the same may remove and change at pleasure.

Officers, &c.

[Approved by the Governor, June 18, 1825.]

CHAP. XVI.

An Act in addition to "an act, to establish the terms of the Supreme Judicial Court."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there shall be hereafter holden at Nantucket, within and for the county of Nantucket, a term of the Supreme Judicial Court, by one or more of the Justices of said Court, on the last Monday of June annually; which said Court so holden, shall have cognizance and jurisdiction of all causes, matters and things, which by law are cognizable by said Supreme Judicial Court, when holden by one of the Justices thereof.

Term holden
in Nantucket.

SEC. 2. *Be it further enacted,* That all matters which are now cognizable in the Supreme Judicial Court at the term thereof, which was to be holden at Boston, within the county of Suffolk, and for the counties of Suffolk and Nantucket, on the first Tuesday of March, shall have day in, and be heard and determined by the said Court, to be holden on the last Monday of June, within and for the county of Nantucket.

Causes trans-
ferable.

SEC. 3. *Be it further enacted*, That any act or part of an act, which is inconsistent with the provisions of this act, be, and the same is hereby repealed.

When to
take effect.

SEC. 4. *Be it further enacted*, 'That this act shall not have force or effect till after the first day of July next.

[Approved by the Governor, June 18, 1825.]

CHAP. XVII.

An Act to incorporate the President, Directors and Company of the Manufacturers' and Mechanics' Bank, in Nantucket.

Persons in-
corporated.

Powers, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Francis G. Macy, Hezekiah Barnard, Griffin Barney, John B. Macy, Jonathan I. Barney, and Daniel Jones, their associates, successors and assigns, shall be, and hereby are created a Corporation, by the name of the President, Directors and Company of the Manufacturers' and Mechanics' Bank, of Nantucket, and shall so continue from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein spe-

cially recited and enacted: *Provided, however,* that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of capital stock actually paid in. Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in, at such times as the stockholders may direct; fifty per centum, however, to be paid in on or before the first day of January next, and the residue within one year from the passing of this act; and no dividend shall be declared on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said Corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said Corporation is hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifteen thousand dollars, and no more at any one time, with power to bargain, sell, dispose of, and convey the same by deed, under the seal of said Corporation and signed by the President or two of the Directors; and to loan and negotiate their monies and effects by discounting on banking principles and such securities as they may think advisable: *Provided, however,* that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to the said Corporation; and provided, further, that

Amount of capital stock.

When to be paid in.

May buy real estate.

Proviso.

Commission-
ers to be ap-
pointed.

Return a cer-
tificate.

Number of
Directors.

Shall loan to
the Common-
wealth.

Proviso.

no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to seventy-five thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor. And no Stockholder shall be allowed to borrow any money of said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in Nantucket; and the whole number of Directors shall be nine, and a majority of the Board shall be inhabitants of said town. And no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place than at the said Bank.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by four annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum; *Provided, however*, that the Commonwealth shall never stand indebted to said Corporation,

without their consent, for a larger sum than twenty per centum of their capital stock then paid in.

SEC. 5. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said Corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any newspapers printed in Nantucket, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors and such other officers as they shall see fit to choose.

First meeting.

Establish by-laws, &c.

Choose officers, &c.

SEC. 6. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said Corporation; subject to such rules, regulations, and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth shall have a right to subscribe.

SEC. 7. *Be it further enacted,* That whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of Directors to said Bank in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of the stock actually paid in to said Bank, if at any time hereafter they shall see fit to exercise that right.

Legislature appoint Directors.

SEC. 8. *Be it further enacted,* That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier give bonds.

Shall pay to
the Treasurer,
&c.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock, which shall have actually been paid in.

Liabie to
pay, &c.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said Bank counterfeited, or altered in the course of its circulation to a larger amount, notwithstanding such alteration, unless such note is printed or impressed with the stereotype plate, and that said Corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in said bill or note.

This Act,
how void.

SEC. 11. *Be it further enacted*, That in case this act shall not be put in operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Capital stock
shall not be
sold, &c.

SEC. 12. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

[Approved by the Governor, June 18, 1825.]

CHAP. XVIII.

An Act to incorporate the Congregational Church and Society of Pitts Street, in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas Tilden, Thomas Townsend, George Carpenter, Israel Decker, Thomas Wetherbee, John H. Whitney, Nathaniel Trumbull, Ephraim Whitney, Richard Bond, William Bates, William McLellan, Benjamin Longley, and Charles Farrar, together with such others as may associate with them, and their successors, be, and they hereby are incorporated into a religious society by the name of the Congregational Church and Society of Pitts street, in Boston, with all the powers and privileges to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth.

Persons in-
corporated

SEC. 2. *Be it further enacted,* That said Society be, and they hereby are authorized and empowered to raise, by assessments on the pews and seats which may be made and built in any house they may erect, all such sum or sums of money for the settlement of a minister of the Gospel, repairing of said house, and other expenses incident to parishes, at any legal meeting called for that purpose.

Power to
raise money.

SEC. 3. *Be it further enacted,* That said Society may have power to order and establish such regulations, rules, and by-laws for their government, and the management of their concerns, as they may see fit: *Provided,* the same are not repugnant to the laws of this Commonwealth.

Regulations,
rules, &c.

SEC. 4. *Be it further enacted,* That the first named three persons in the first section of this act, may call the first meeting of the said body corporate, by having public notice thereof given on the Lord's day previous, at the mission house, so called, in Boston, by the minister officiating there.

First meet-
ing.

[Approved by the Governor, June 18, 1825.]

CHAP. XIX.

An Act authorizing the taxing of the Pews in the Meeting-House of the First Baptist Society in the town of Salisbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the First Baptist Society in the town of Salisbury, in the county of Essex, be, and hereby are empowered to raise, by a tax on the pews in their meeting-house, such sum or sums of money as the said Society may hereafter vote to raise, at any legal meeting for that purpose, for the support of ministerial and other necessary charges, in addition to such further sum or sums as they may have raised, or may hereafter raise, on the polls and estates of the members of said Society.

Power to
raise money.

Power to ap-
portion tax-
es, &c.

Power to
sell.

Proviso.

SEC. 2. *Be it further enacted,* That the assessors of said Society shall be empowered and required, equitably to apportion the taxes to be assessed on said pews, according to their relative value, and such taxes, so assessed, shall be given to the Collector of said Society for collection, with such other taxes as may be raised on the polls and estates of the members thereof; and all such pews as shall remain two years from the time of the assessment of the tax thereon, the same, or any part thereof, being unpaid, it shall be the duty of the Collector of said Society, and he is hereby empowered to sell at public auction, to the highest bidder; and he shall execute a deed or deeds to the purchaser or purchasers, which shall give to him or them a perfect right and title to such pew or pews, as may be by said Collector so sold; said deed or deeds being recorded in the usual manner with other deeds of said Society: *Provided, however,* that the said Collector shall, before he proceeds to make sale of

any delinquent pew or pews, be required to give at least ten days notice, of the time and place of vendue, by posting up one advertisement at said meeting-house, and one at some other public place in said town of Salisbury, stating the number or numbers of the pew or pews to be sold, with the amount of the tax due thereon.

SEC. 3. *Be it further enacted*, That in case an adjournment of the sale of pews shall appear to the Collector to be necessary, he may adjourn the sale for a time, not exceeding ten days, until the sales are completed; and in all cases he shall pay over on demand, to the former owner or owners of pews, the balance in his hands, arising from the sales, after deducting the taxes due, and reasonable charges for advertising and settling the same.

Adjourn-
ment of sale,
&c.

[Approved by the Governor, June 18, 1825.]

CHAP. XX.

An Act to establish the Bridgewater Iron Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathan Lazell, Seth Johnson, Silas Bullard, John Fuller, Abisha Stetson, Jacob Perkins, and Nathan Lazell, jun. together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of the Bridgewater Iron Manufacturing Company, for the purpose of manufacturing Iron, and its various modifications, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, pass-

Persons in-
corporated.

Powers, priv-
ileges, &c.

ed in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts passed in addition thereto.

Real & personal estate.

SEC. 2. *Be it enacted*, That the said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactures aforesaid.

[Approved by the Governor, June 18, 1825.]

CHAP. XXI.

An Act to incorporate the Bolivar Manufacturing Company, in the town of Canton.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Jonathan Messenger and Freeman Fisher, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made a Corporation, by the name of the Bolivar Manufacturing Company, for the purpose of manufacturing cotton and wool in the town of Canton, in the County of Norfolk, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled "an act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding in value the sum of twenty-five thousand dollars, and such personal estate, not exceeding in value the sum of fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and wool in said town of Canton.

May hold real estate, to what amount.

[Approved by the Governor, June 18, 1825.]

CHAP. XXII.

An Act to incorporate the President, Directors and Company of the Blackstone Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Capron, Bezaleel Taft, Benjamin Adams, Amariah Chapin, Samuel Judson, Joseph Day, John Thayer, Jun. Sylvanus Holbrook, George Wall, Royal Farnum, Effingham L. Capron, William C. Capron, Alphcus Baylies, Paul Whitin, Ezekiel Wood, Samuel Reed, George Carpenter, Daniel Carpenter, Thomas Farnum, and Abiel Jaques, with their associates, successors and assigns, shall be, and are hereby created a Corporation, by the name of the President, Directors and Company of the Blackstone Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and are hereby made capable in law, to sue and be sued, to plead and be impleaded, defend and be defended in any court of record, or any other place whatever; and also to make, have and use a common seal, and to ordain, establish and

Persons incorporated.

May sue, &c.

Proviso.

put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said Corporation and the prudent management of its concerns : *Provided*, such by-laws, ordinances and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth ; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

Capital
Stock.Manner of
paying in
shares.

SEC. 2. *Be it further enacted*, That the capital stock of said Bank shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in the following manner, viz :—One third part thereof on or before the first day of November next, one third part thereof on or before the first day of February next, and the residue thereof, on or before the first day of June next, or at such earlier time as the Stockholders at any meeting may order. And no dividend of profits shall be declared or paid on the capital stock of said Bank until the whole of said stock shall have been paid in, conformably to the provisions of this act ; and the Stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said Bank, which, being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns ; and the said Corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and as-

Real Estate.

Proviso.

signs, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think proper : *Provided, however*, that nothing herein contained shall prevent said Corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said Corporation ; and provided fur-

ther, that no money shall be loaned, or discounts made, nor shall any bills be issued from said Bank until the capital subscribed, and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

SEC. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in and by the third section of an act, entitled, "an act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established, in the same manner as though especially recited in this act, excepting that the bond to be given by the Cashier, shall be given in the penal sum of twenty thousand dollars, and the number of Directors to be annually chosen shall be nine, and be inhabitants of and residents within the County of Worcester, in said Commonwealth, and accountable for the doings of the whole board, five of whom may constitute a quorum for transacting business; *Provided*, that the amount of bills of the said Bank, in circulation, shall not at any time, exceed the amount of the capital actually paid in.

Cashier give
bond.

Number of
Directors.

Proviso.

SEC. 4. *Be it further enacted*, That said Bank, shall be established and kept in the town of Uxbridge, in the County of Worcester.

Location of
Bank.

SEC. 5. *Be it further enacted*, That any Committee especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined, by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation, shall thereupon be declared to be forfeited and void.

Charter how
forfeited.

SEC. 6. *Be it further enacted*, That the persons herein before named, or any one of them, are authorized to call a meeting of the Stockholders of said Corporation, at a convenient time and place,

by advertising the same three weeks successively in the Massachusetts Spy, and National Ægis, two papers printed in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

SEC. 7. *And be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation herein before provided for, and whenever the Commonwealth shall become interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Liabie to
pay, &c.

SEC. 8. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder the amount of any note of said Bank counterfeited, unless such note is printed or impressed with the stereotype plate; and that said Corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note; and no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place than at the said Bank.

Pay to Com-
monwealth,
&c.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of April next, shall pay, by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten

days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

Shall loan to
the Common-
wealth.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing of this act. And in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

This Act,
how void.

[Approved by the Governor, June 18, 1825.]

CHAP. XXIII.

An Act to establish the Tolland and Otis Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Henry Hamilton, Jonathan Hamilton, Joseph Stillman, jun. John Rogers, Nathan Hall, Elijah Owen, jun. Charles H. Little, William Moore, Marvin Moore, Allyn Bidwell, and V. R. Paine, together with such others as have associated, or may hereafter associate with

Persons in-
corporated.

Course of the
turnpike.

them, their successors and assigns, be, and hereby are, made a Corporation, by the name of the Tolland and Otis Turnpike Corporation, for the purpose of making a turnpike road from the line of the state of Connecticut, at Hartland hollow, thence in a northwest direction on Hubbard's brook, through a part of Granville and Tolland; thence in the best course till it meets the turnpike road near Bevil Seymour's, in Otis; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," passed the fifteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

[Approved by the Governor, June 18, 1825.]

CHAP. XXIV.

An Act to incorporate the New-England Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Darius B. Holbrook, Levi Meriam, Charles P. Dexter, and Levi Brigham, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the New-England Manufacturing Company, for the purpose of manufacturing cotton, woollen and linen goods, in the town of Grafton, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements

contained in an act passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled "an act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding in value the sum of two hundred thousand dollars, and such personal estate, not exceeding in value the sum of three hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, woollen and linen goods.

Amount of
real and per-
sonal estate.

SEC. 3. *Be it further enacted*, That any one of the persons named in this act, be, and is hereby authorized to appoint the time and place for holding the first meeting of said Corporation and notify them thereof, either by personal notice or otherwise.

First meet-
ing.

[Approved by the Governor, June 18, 1825.]

CHAP. XXV.

An Act for the incorporation of the proprietors of the first Unitarian Church in Danvers.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Gideon Foster, Oliver Saunders, John W. Proctor, Jonathan Shove, Nathaniel West, Nathaniel Putnam, Moses Black, John Endicott, John Peirce, Joseph Tufts, Jun., Benjamin Goodridge, Abner Sanger, Asa Sawyer, Joseph Shaw, Jun. William Sutton, Jun. Oliver C. Felton, Ward Pool, Jun. George Southwick, Joseph W. Carey, Rufus Wyman, Edward Upton, Levi Preston, Jun. John Porter, Caleb

Persons in-
corporated.

Low, Isaac Elliot, Benjamin Wheeler, Wingate Merrill, Moses Dole, Ebzaphon Prince, Timothy Holmes, Phineas Chadwick, and Andrew Torr, and all other persons who now are or hereafter may become proprietors of, and in the First Unitarian Church in Danvers, in the County of Essex, their successors and assigns, shall be, and hereby are created and established as a religious society and body corporate and politic, by the name of the First Unitarian Church in Danvers, and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers and immunities, to which parishes and other religious societies, are, by the constitution and laws of this Commonwealth, entitled; and shall have authority to take, hold and possess, by grant, gift, devise or otherwise, any real or personal estate, for the purpose of supporting public worship and other religious parochial and charitable purposes, not exceeding the annual income of five thousand dollars; and shall also have authority to choose and appoint all such officers, and make all such by laws and regulations, as may seem to them expedient for the due government of the said society, and the management of their funds, and other parochial concerns; *Provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth; and all meetings of the said society shall be called and warned in such manner as the by-laws and regulations thereof shall provide.

Pew owners
only to vote.

SEC. 2. *Be it further enacted*, That at all meetings of the said society the proprietor or proprietors of the pews, and no other persons, shall be entitled to vote, allowing one vote for every pew.—But the society may nevertheless, by their by-laws and regulations, provide for the admission of the occupant or occupants of any pew to vote in the choice of any minister to be settled over the said society.

SEC. 3. *Be it further enacted*, That the said society shall have full power and authority, at any

meeting duly called for that purpose, to assess on the pews in the said church, all such taxes as may be necessary or proper for the maintenance of public worship, and the repairs and preservation of their house, and for all other parochial charges and expenses according to the relative value of the pews in the same, as this shall be established by an appraisal in conformity with the by-laws of said society; and the taxes so assessed shall be a lien on the same pews respectively, and in case of the nonpayment of the tax or taxes so assessed, for the space of two successive years after the same shall be so assessed, the pew or pews respectively on which the same shall be assessed, shall be forfeited to the said society, and may be sold at public auction, in such manner as the said society shall by their by-laws and regulations provide, and the net proceeds of said sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of the pew so sold, or to his assigns; and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title, as proprietor thereof.

May tax the
pews.

Taxes not
paid, pews
may be sold

SEC. 4. *Be it further enacted*, That there shall be an annual meeting of the society on the first Monday of May, in every year, at which meeting, or any other meeting duly called, the said society may choose their officers, who shall hold their offices during one year, and until others are chosen in their stead; and may also assess all taxes for the maintenance of public worship, and other parochial charges and expenses, and exercise all and any other powers which under this act of incorporation the said society are enabled at any time to exercise.

Choose officers
annual-
ly.

SEC. 5. *Be it further enacted*, That any person who shall unite in religious worship with the said society, by becoming a proprietor or occupant of any pew, in their house of public worship, in part or in whole, and shall obtain a certificate thereof from the Clerk of the said society, that he hath so united in public worship with them, shall, from and

Exempted
from other
taxes.

First meet-
ing.

after obtaining such certificate, and filing the same with the Clerk of the society left, be exempted as well in person as in estate, from all taxation for the support of religious worship in every other religious society, so long as he shall continue a proprietor or occupant as aforesaid.

SEC. 6. *Be it further enacted*, That the first meeting of said society may be called by the said Gideon Foster, Oliver Saunders, and John W. Proctor, or any two of them, by an advertisement in some newspaper printed in Salem, seven days before the time of holding such meeting; and at such meeting all business may be transacted, which should be done at any annual meeting, and all the proceedings may be had to organize the said society, and to carry into effect all the powers given in this act to the said society, in the same manner as if they were herein specially enumerated.

[Approved by the Governor, June 18, 1825.]

CHAP. XXVI.

An Act to incorporate the Green River Manufacturing Company,

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.* That Joel Parker, Charles Williams, Thomas Gilbert, John J. Peirce, and David Willard, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation, by the name of the Green River Manufacturing Company, for the purpose of manufacturing cotton and wool, both or either of them, on Green River, in the county of Franklin, and for that pur-

pose, shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and disabilities prescribed and contained in an act, entitled, "an act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, one thousand eight hundred and nine, and in the several acts in addition thereto.

Powers, privileges, &c.

SEC. 2. *Be it further enacted*, That the said Corporation in their corporate capacity, shall and may lawfully hold and possess real estate, not exceeding thirty thousand dollars, and personal estate, not exceeding one hundred seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and wool in the said county of Franklin.

Amount of real and personal estate.

[Approved by the Governor, June 18, 1825.]

CHAP. XXVII.

An Act to incorporate the Middlesex Mechanics' Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Feckharm and Micajah Rice, with all those who have or who may associate with them, be, and they are hereby incorporated and made a body politic and corporate, by the name of the Middlesex Mechanics' Association, and by that name shall be known in law, and said Corporation shall have power to have and keep a common seal, to contract and negotiate, sue and be sued, make by-laws and regulations, and do all other acts which may be necessary to effect the objects of their creation.

Persons incorporated.

Have a common seal.

Rules, regulations, and by-laws.

Real & personal estate.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation shall have the power to purchase, hold, and enjoy real estate to the amount of twenty thousand dollars, and personal estate, credits, and effects to the amount of eighty thousand dollars, and to alienate and manage the said property as they may see fit: *Provided*, that the income of said Corporation, from whatever source, shall be always employed and expended for the purpose of relieving the distresses of unfortunate mechanics and their families, of promoting inventions and improvements, by granting premiums for said inventions and improvements, and of establishing a suitable library for the information and instruction of mechanics in their respective arts.

Legislature have power to alter, &c.

SEC. 3. *Be it further enacted*, That the Legislature shall have power to alter, or annul and repeal this act, whenever it shall in their opinion be expedient.

First meeting.

SEC. 4. *Be it further enacted*, That the said Samuel Feckharm and Micajah Rice, or either of them, be, and hereby are empowered to call the first meeting of said Corporation, by advertising in any newspaper printed in the county of Middlesex, fifteen days before the proposed meeting, the time and place when and where said meeting is to be held, and at which the said Corporation may proceed to organize the same.

[Approved by the Governor, June 18, 1825.]

CHAP. XXVIII.

An Act to incorporate the First Episcopal Society in Southwick.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William

Miller, Zur Root, Oliver Root, Nathan Saunders, Truman Warner, Samuel Talmage, Rodolphus Gillet, Sardis Gillet, Simeon Aldrich, Horace Perkins, Fredini C. Halcomb, Austin Stocking, Socrates Gillet, Eli L. Moore, Thomas Casson, Reuben Moore, Moses Gillet, Lucius Beach, Morey Aldrich, Solomon Tuttle, Argabus D. Preston, Oliver Halcomb, David Lownsbury, Roger Moore, Joseph Forward, Gideon Root, Oliver Root, 2d. William Moore, Ebenezer K. Mason, Zebina Mason, Jairus Mason, Samuel Smith, Amos Webb, Samuel Clark, Plin Clark, George Forward, Walter Perkins, Josiah T. Webb, Pliny Forward, with such others as may associate with them, and their successors, be, and they hereby are incorporated into a society by the name of the First Episcopal Society in Southwick, with all the powers and privileges to which other religious societies are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the first meeting of said Society shall be convened by a warrant, to be issued by any Justice of the Peace in the county of Hampden, directed to any member of said Society, requiring him to notify the members of said Society, to meet at such time and place as shall be designated in said warrant.

First meeting.

[Approved by the Governor, June 18, 1825.]

CHAP. XXIX.

An Act to incorporate the Massachusetts Gas Light Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Etheridge, John Windship, Daniel White, and

Persons incorporated.

Powers, priv-
ileges, &c.

Ebenezer A. Lester, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are made a Corporation by the name of the Massachusetts Gas Light Company, for the purpose of making gas to supply gas lights in the city of Boston, or any other town or city in this Commonwealth, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

Real and per-
sonal estate.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding in value thirty thousand dollars, and such personal estate, not exceeding in value sixty thousand dollars, as may be necessary and convenient for carrying on the said business of making gas for the purposes aforesaid.

[Approved by the Governor, June 18, 1825.]

CHAP. XXX.

An Act in further addition to an act, entitled "an act to incorporate the President, Directors and Company of the Bedford Commercial Bank."

May increase
capital stock.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Bedford Commercial Bank, be, and they hereby are authorized to increase their present capital stock, the sum of one hundred thousand dollars, in addition to the sum of one hundred and fifty thousand dollars, which the

said incorporation is authorized to hold by the act, entitled "an act to incorporate the President, Directors and Company of the Bedford Commercial Bank," and by the act entitled "an act in addition to an act, entitled an act, to incorporate the President, Directors and Company of the Bedford Commercial Bank," which said sum shall be divided into shares of one hundred dollars each, any thing in the acts aforesaid to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That the sum which shall be added to the capital stock of said Corporation, by virtue of this act, shall be subscribed and paid in, in gold and silver, under the control of the Directors for the time being, within one year from the first day of July next: *Provided*, that the said corporation shall not loan any money, nor discount any bills on the additional capital hereby authorized, until they shall have produced satisfactory evidence to the Governor and Council, that the said additional sum of one hundred thousand dollars has been paid in, and actually exists in gold and silver in their vaults: *And, provided also*, that the additional stock aforesaid shall be subject to the like tax, regulations, rules, restrictions, and provisions, under which the present capital stock of said corporation is now holden.

Additional
sum, when to
be paid in.
Proviso.

Proviso.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXI.

An Act in addition to an act, entitled "an act to incorporate the Lynn Wire Manufacturing Company."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That any Justice of the Peace, within either of the Counties of Suf-

Justice of
Peace warn
meeting, &c.

folk, Essex, or Middlesex, may, on application by John Clark of Cambridge, or any other member of the Lynn Wire Manufacturing Company, or interested therein, issue a notification to the members of the said Corporation, to meet at some convenient time and place, to be named in said notification, for the purpose of choosing the proper officers provided by law or the by-laws of said corporation, and to transact such other business as they may deem proper, agreeably to said act and to the laws of this Commonwealth; and the doings of the said Corporation, pursuant to this act, the act and laws aforesaid, shall be as good and valid, as they would have been under their act of incorporation aforesaid, had they continued to elect officers, and to act as a Corporation without intermission to the present time; *Provided however*, that such notification shall be served upon all persons interested, or shall be published in one of the newspapers printed in Boston, thirty days at least before the time fixed for the meeting aforesaid, any law or usage to the contrary notwithstanding.

Proviso.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXII.

An Act to alter and establish a part of the boundary line between the towns of Rowley and Boxford, in the county of Essex.

Preamble.

WHEREAS a part of the boundary line between the towns of Rowley and Boxford, in the county of Essex, has heretofore been by the easterly side of the road leading from Salem to Haverhill, in said county; and whereas the said road has of late been so widened and al-

tered, as to leave that part of said boundary line in or near the centre of said road. Therefore,

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of the boundary line between said towns of Rowley and Boxford, as is now upon or within the limits of said road, shall be so altered and changed as to correspond with what is now the easterly side of the same as lately widened and located, and the said line as altered and established is as follows, viz:—beginning at the stake and stones on the original line by the easterly side of said road, and by land of Moses Spofford, then south thirteen degrees east, sixteen rods, south thirty-six degrees east, six rods by the easterly side of said road to a heap of stones, by land of the heirs of Jonathan Wood and land of Stephen Spofford, which heap of stones is the southwesterly corner bound of the said town of Rowley, as the line is now altered and established, and the same shall, after the passing of this act, be the boundary line between the two towns, any law, usage, or custom to the contrary notwithstanding.

Boundary
line.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXIII.

An Act to incorporate the Protestant Episcopal Parish of St. John's Church in Ashfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Bethuel Lilley and Simeon Philips, church-wardens, George Hall, David Williams, Austin Lilley, Lot Hall,

Persons in
incorporated

Powers, privileges, &c.

Herod Stocking, vestry-men, with such other persons, either residing in Ashfield or the adjacent towns, as are, or may hereafter be associated with them and their successors, be, and they are hereby incorporated into a society by the name of the Protestant Episcopal Parish of St. John's Church in Ashfield, with all the privileges, powers, and immunities which parishes enjoy by the laws of this Commonwealth.

Rules, regulations, and by-laws.

SEC. 2. *Be it further enacted*, That said society shall have power to order and establish such rules, regulations and by-laws for the admission of members, and the management of their concerns, as they may think proper : *Provided*, the same are not repugnant to the constitution and the laws of this Commonwealth.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXIV.

An Act to incorporate the Hampden Bank.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Abner Post, Joseph Forward, Enos Foot, Augustus Collins, James Fowler, Thomas Ashley, Arch's Morgan, and Robert Whitney, their associates, successors and assigns, shall be, and hereby are created a corporation by the name of the Hampden Bank, and shall so continue from the passing of this act, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act entitled, "an act to incorporate

the President, Directors, and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said Bank shall not exceed the amount of their capital stock actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, one fourth part of which shall be paid in ninety days, one fourth part in six months, one fourth part in nine months, and the residue in one year after the passing of this act, or at such earlier time as the stockholders may order, at any meeting regularly holden therefor, and no stockholder shall be allowed to borrow at said bank until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars, and no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act; and the stockholders shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments to the amount of five thousand dollars and no more at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President or two of the

Capital stock.

Manner of
paying in
shares.Real & per-
sonal estate.

Powers, &c.

Proviso.

Directors; and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think advisable: *Provided, however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, and shall have been examined and certified in the manner prescribed in the act aforesaid.

Proviso.

SEC. 3. *Be it further enacted*, That the said Bank shall be established in the town of Westfield, and the number of Directors shall be nine, five of them shall be necessary to constitute a quorum for transacting business; and a majority of the Directors shall always be residents in said town of Westfield. And no loan or discount shall be made, nor shall any bill or note be issued by said corporation, or by any person on their account, in any other place than at the said bank.

Location of bank.

Number of Directors.

Shall loan to the Commonwealth.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum; *Provided, however*, that the Commonwealth shall never stand indebted to the Corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Proviso.

First meeting.

SEC. 5. *Be it further enacted*, That any three of the persons herein before named, may call the first

meeting of said corporation, by advertising the same three weeks successively in the Hampden Register, printed in Westfield, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations as the stockholders shall deem necessary, and for the choice of the first Board of Directors and such other officers as they shall see fit to choose.

Establish by-laws, &c.

Choose officers, &c.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall by law make provision therefor, to subscribe a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall by the Legislature be made and established.

Commonwealth shall have a right to subscribe.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank in proportion as the sum paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid in to said Bank, if at any time hereafter they shall see fit to exercise that right.

Legislature appoint Directors.

SEC. 8. *Be it further enacted*, That the Cashier, before entering on the duties of his office, shall give bond, with sufficient sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Cashier give bonds.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of April next, shall pay, by way of a tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday in April and October annually, the half of one per centum on the amount of stock, actually paid in.

Shall pay to the Treasurer, &c.

Liabie to
pay, &c.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank counterfeited, or altered in the course of its circulation to a larger amount, notwithstanding such alteration; shall also be liable to pay to any bona fide holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Capital stock
shall not be
sold, &c.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the passing of this act. And in case the same shall not be put in operation, according to the provisions thereof, within the year aforesaid, it shall be void.

This Act,
how void.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXV.

An Act to incorporate the Swift River Manufacturing Company.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Thomas Jones, Leonard Woods, Elihu Lyman, Simeon Waters, Mark Doolittle, Ichabod Pope, Abner Hale, and Josiah B. Woods, their associates, successors, and assigns, are hereby incorporated by the name of

the Swift River Manufacturing Company, to be located in Enfield, for the purpose of manufacturing woollen and cotton goods, with all the powers and privileges, and subject to all the duties and requirements prescribed in an act, entitled, "an act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers, privileges, &c.

SEC. 2. *Be it further enacted*, That the said corporation may hold personal estate, not exceeding fifty thousand dollars, and real estate not exceeding thirty thousand dollars, for the purpose of carrying on the manufactures aforesaid.

Amount of real and personal estate.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXVI.

An Act to change the names of the several persons therein described.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Dunn, may take the name of John C. Dunn; that John Fessenden, may take the name of John Peirce Fessenden; that Asaph Churchill Leeds, may take the name of Theodore Churchill Leeds; that Pierre Francois Henry Thomas Wilson Melvill, a minor, may take the name of Thomas Wilson Melvill; that Lucius Champlin Parker, may take the name of Samuel Parker; that Thomas Jefferson Shed, may take the name of Samuel Adams Shed, all of Boston, in the county of Suffolk;—that Charles Holland, may take the name of Lucius Deluce;

Names changed.

that Charles Putnam, may take the name of Charles Fisk Putnam, both of Salem, in the county of Essex;—That John Park, jun. of Groton, in the county of Middlesex, may take the name of John Gray Park; that Eliza Gardner, may take the name of Elizabeth Greenleaf Gardner; that Esther Sewall Gardner, may take the name of Ann Sewall Gardner, both of Leominster;—that Henry Lane, of Lancaster, may take the name of Jonas Henry Lane; that Clarissa Lee, of Douglas, may take the name of Clarissa Johnson, all of the county of Worcester; that Richard Lard, of Enfield, in the county of Hampshire, may take the name of Richard Gardner; that Ebenezer Penniman, jun. of Braintree, in the county of Norfolk, may take the name of Daniel Penniman; that John Clapp, may take the name of Henry Porter Clark; that Abigail Clapp, his wife, may take the name of Abigail Jackson Clark, both of Easton; that Zebina Sumner, of Taunton, may take the name of Edward H. Sumner, all of the county of Bristol; that Asa Briggs, of West Bridgewater, may take the name of Henry Ellis Briggs; that Henry Wade, of Scituate, may take the name of Henry Stockbridge Wade, both of the county of Plymouth; that Aaron Ayres, of Boston, in the county of Suffolk, physician, may take the name of Aaron Andrews. And the said several persons herein named, shall hereafter be called and known by the names, which by this act they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXVII.

An Act to incorporate the President, Directors, and Company of the Merchants' Bank of New Bedford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph Rotch, Timothy G. Coffin, David R. Green, William H. Allen, Elisha Haskell, Gideon Allen, Nathaniel Nelson, Elisha Dunbar, Robert Hillman, Ephraim Kempton, Abraham Barker, Lemuel Williams, jun. Thomas Riddle, Job Eddy, William R. Rotch, Paul Spooner, Ichabod Clapp, and Robert Ingraham, their associates, successors, and assigns, shall be, and hereby are, created a corporation by the name of the Merchants' Bank, in New Bedford, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one, and by that name shall be, and hereby are, made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record or any other place whatever, and also to make, have, and use a common seal, and to ordain and establish and put in execution such by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of said corporation, and the prudent management of their affairs: *Provided*, such by-laws, ordinances, and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth, and said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.

Persons in-
corporated.

May sue, &c.

By-laws, &c.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold and silver, divided into shares of one hundred

Manner of
paying in
shares.

Real & per-
sonal estate.

Proviso.

dollars each, which shall be paid in at four equal instalments, the first on the first day of September next, and the second, third, and fourth instalments at any time thereafter, within twelve months from the passing of this act, or at such earlier time as the stockholders at any meeting thereof may order; and the stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, and their successors and assigns, lands, tenements, and hereditaments, to the amount of twelve thousand dollars, and no more at any one time, with power to bargain, sell, and dispose of the same; and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to said corporation: *Provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to seventy-five thousand dollars.

SEC. 3. *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act entitled, "an act to incorporate the President, Directors, and Company of the State Bank," shall be binding on the Bank hereby established, in the same manner as though specially recited in this act, excepting that the bond required to be given by the Cashier shall be given in the penalty of thirty thousand dollars;

that the number of Directors to be annually chosen shall be nine, and five may constitute a quorum for the transaction of business; and a majority of said Directors shall be residents of said town: *And provided also*, that the amount of bills in circulation, issued from said Bank, shall not, at any one time, exceed their capital stock actually paid in.

No. of Directors.

SEC. 4. *Be it further enacted*, That said Bank shall be established and kept in the town of New Bedford.

Location of Bank.

SEC. 5. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

Charter, how forfeited.

SEC. 6. *Be it further enacted*, That Joseph Rotch, Tim. G. Coffin, William H. Allen, Gideon Allen, David R. Green, and Elisha Haskell, are authorized to call a meeting of the stockholders of said corporation at a convenient time and place, by advertising the same three weeks successively, in the New Bedford Mercury and Gazette, newspapers printed in New Bedford, for the purpose of making, ordaining, and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

First Meeting.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on ac-

Commonwealth may subscribe.

count of said Commonwealth, a sum not exceeding seventy-five thousand dollars, to be added to the capital stock of said corporation herein before provided for, and whenever the Commonwealth shall become so interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Bank liable
to pay bad
note.

SEC. 8. *Be it further enacted,* That the said corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder the amount of any note of said Bank counterfeited, unless such note is printed, or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note at said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed on said bill or note; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at said Bank.

Annual tax.

SEC. 9. *Be it further enacted,* That said corporation, from and after the first day of October next, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Shall loan to
Common-
wealth.

SEC. 10. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period at the election of the

Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

SEC. 11. *Be it further enacted,* That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act. And in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

Stock not transferable.

This act, how void.

SEC. 12. *Be it further enacted,* That no dividend of profit shall be declared, or paid on the capital stock of said Bank, until the whole of said stock shall have been paid conformably to the provisions of this act.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXVIII.

An Act to incorporate the Third Calvinistic Baptist Society in the town of Middleborough, in the County of Plymouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elisha Rider, Elisha Clark, Isaac Cushman, Job Shearman, Barnabas Perkins, Elias Cushman, John Benson, George Cushman, Josiah Barrow, Standish Rider, William Nelson, Aberdeen Keith, Isaac Cushman third, Foster H. Keith, Zenas Bishop, Samuel P. Keith, Ransom Fisk, Asahel Hacket, Zebedee Cobb, Ancil Wood, Ancil Wood, Jun., John Carver, Asa Barrows, Elias Cushman third, Ebenezer Smith, David A. Vaughan, Zebulon Cushman,

Persons incorporated.

Samuel Cobb, Jonathan Cobb, Josiah Leonard, Moses Gibbs, Reuben Gibbs, Abiel Peirce, Nathan Rider, Moses Shaw, Nathan Shearman, Otis Perry, and Eli Peirce, all of Middleborough, in the county of Plymouth, and Allen Thatcher, and Joshua Benson, of Rochester, in said county, with their families and estates, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated into a religious society, by the name of the Third Calvinistic Baptist Society, in the town of Middleborough, in the county of Plymouth, with all the privileges, powers and immunities, to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth.

Authorized
to raise a
fund.

Proviso.

SEC. 2. *Be it further enacted*, That the members of said corporation are hereby authorized to raise, by donation or subscription, a fund for the purpose of supporting a Calvinistic Minister of the Baptist denomination in said society: *Provided*, the annual income thereof shall not exceed six hundred dollars; and all subscribers to said fund shall be holden, by law, to pay the same according to the subscription.

SEC. 3. *Be it further enacted*, That said fund shall be under the direction and management of five Trustees, to be chosen annually by said society, who shall be under the direction of the society, and shall account with said society or their committee annually for the same.

Interest only
to be used.

SEC. 4. *Be it further enacted*, That said fund shall be put at interest, the interest of which, and that only, shall be applied to pay the salary of a minister before described, and no part of the principal of said fund shall ever be expended.

First meet-
ing.

SEC. 5. *Be it further enacted*, That Isaac Stevens, esquire, is hereby authorized, to issue his warrant for the calling the first meeting of said society, for the choice of officers, and for organizing said society.

[Approved by the Governor, June 18, 1825.]

CHAP. XXXIX.

An Act in addition to an act, to incorporate the North Parish Congregational Funding Society, in Wrentham.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Treasurer of said Funding Society shall not pay out of the treasury any money, without an order from the Trustees, in conformity to some vote of the society; any thing in the act to which this is an addition, to the contrary notwithstanding.

Trustees' order only to draw money.

[Approved by the Governor, June 18, 1825.]

CHAP. XL.

An Act to incorporate the Trustees of the Poors' Fund in the town of Charlestown.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James K. Frothingham and others, selectmen of the town of Charlestown, and Thomas Miller, Amos Tufts and Matthew Skilton, deacons of the First Congregational Church, William Arnold and James Fosdick, deacons of the Baptist Church, Moses Hall, Daniel Tufts and Joseph Gould, deacons of the Universalist Church, Joseph Phipps and Elias Phinney, deacons of the New Church, all of said Charlestown, for the time being, and their successors in the said offices of selectmen and deacons,

Persons incorporated.

Powers, priv-
ileges, &c.

Proviso.

Officers.

Receive and
hold proper-
ty.

for the time being, be, and they hereby are, made a body politic and corporate forever, by the name of the Trustees of the Charlestown Poors' Fund, for the purpose of managing certain donations, given and bequeathed at different periods of time, by Richard Russell, Esq., Captain Richard Sprague, Mr. Thomas Call, and Richard Devens, Esq. all formerly inhabitants of the said Charlestown, and such other funds as may come into their hands for like purposes; and the said Trustees, by the name aforesaid, may sue and be sued, prosecute and defend suits, with power of substitution, and may have a common seal, and the same may alter and renew at pleasure; and the two senior deacons of all regularly organized religious churches, which may hereafter be constituted in said town of Charlestown, shall be considered as members of said board of trust: *Provided*, that whenever any new society shall be constituted in said town, the board of trust shall be composed of the selectmen and two senior deacons from each church, for the time being, and their successors in said offices.

SEC. 2. *Be it further enacted*, That the said Trustees may choose a Treasurer and other necessary officers, and may adopt all needful by-laws and regulations for the government of the corporation, not repugnant to the constitution and laws of this Commonwealth, and the same may alter as they may find expedient and necessary.

SEC. 3. *Be it further enacted*, That the said Trustees shall have full power to receive and hold all money, securities, and other estate, real or personal, now constituting the said Poors' Fund, and also to receive and hold all gifts, grants and donations, real and personal, that may hereafter be made to increase the said fund, and the same to manage and put on interest, and to apply the income thereof, annually, for the relief of the poor of said town forever, conformably to the true intent and meaning of the several donors: *Provided, however*, that the

annual income of said fund, shall not exceed the sum of two thousand dollars.

SEC. 4. *Be it further enacted*, That the said Trustees shall have power to make sale of any of their property, real or personal, purchased or given, as they shall judge most for the interest of their said trust, unless that which shall be given, be expressly otherwise appropriated by the donor; and all monies arising from such sale and the subsequent income, shall be applied to the same use, to which the property sold and the income thereof were respectively applicable, and all deeds, conveyances, contracts and other instruments, duly authorized by the board at a regular meeting, and signed by the President and attested by the Secretary, shall be good and valid.

Trustees
may sell pro-
perty.

SEC. 5. *Be it further enacted*, That James K. Frothingham be, and he hereby is, authorized to call the first meeting of the Trustees, at such time and place as he shall think proper.

First meet-
ing.

[Approved by the Governor, June 18, 1825.]

CHAP. XLI.

An Act to establish the Third Congregational Precinct in Rochester, Middleborough, and Free-town.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Morton, Job Morton, Caleb Briggs, Jacob Bennett, and John Perkins, and their successors, be, and they hereby are constituted a body politic and corporate forever by the name of the Trustees of the Third Congregational Precinct in Rochester, Mid-

Persons in-
corporated.

To sue and
be sued.

deleborough, and Freetown; and may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

Real and per-
sonal estate.

Proviso.

SEC. 2. *Be it further enacted*, That said Trustees be, and hereby are vested with, and shall have full power to receive into their hands all monies and securities for money, and all bequests and subscriptions which may now be in the possession of said precinct, or the Treasurer thereof, and all monies, subscriptions, donations, bequests, and securities for real or personal estate, which hereafter may be raised, given, or made, for the use of said precinct, and the said Trustees are hereby empowered, by purchase or operation of law, to take, have, hold, use, improve, and manage any estate, real, personal or mixed, the annual income whereof shall not exceed the sum of one thousand dollars, in trust for the support and maintenance of the gospel ministry, and other expenses of said precinct; and any gift, grant, bequest, or devise hereafter made to said Trustees, or their successors, shall be valid and effectual to all intents and purposes whatever: *Provided however*, that the funds of said precinct shall be unalienable, that its proceeds shall in no case be appropriated but for the benefit of said precinct; and that the capital or principal of said fund shall never be encroached upon, or at any time reduced.

SEC. 3. *Be it further enacted*, That any three of said Trustees shall constitute a Board for the transaction of business, but the concurrence of that number shall be necessary to every act and proceeding whatever; and said Trustees shall fill all vacancies at their Board, as they shall arise from death, resignation, incapacity, or removal from the Commonwealth.

Choose offi-
cers.

SEC. 4. *Be it further enacted*, That said Trustees shall choose a Treasurer, who shall be under bond for the faithful performance of his duty, and such other officers as they may deem expedient,

and shall have power to make such rules, regulations, and by-laws, not inconsistent with the constitution and laws of this Commonwealth, as they judge necessary for the convenient transaction of their business.

[Approved by the Governor, June 18, 1825.]

CHAP. XLII.

An Act to incorporate the President, Directors, and Company of the Millbury Bank.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Asa Waters, Amasa Wood, Caleb Burbank, Joseph Goffe, William M. Benedict, Orra Goodale, Simon Farnsworth, Charles Prentice, Charles Parkman, with their associates, successors and assigns, shall be, and are hereby created a Corporation, by the name of the President, Directors, and Company of the Millbury Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one, and by that name shall be, and are hereby, made capable in law to sue and be sued, to plead and to be impleaded, defend and be defended, in any Court of Record, or any other place whatever; and also to make, have and use, a common seal; and to ordain, establish, and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of its concerns: *Provided*, such by-laws, ordinances and regulations, shall be in no wise contrary to the constitution and laws of this Commonwealth.

Persons incorporated.

Powers, privileges, &c.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said Bank, shall consist of the sum of one hundred thousand dollars, in gold and silver, in shares of one hundred dollars each, to be paid in the following manner—one third part thereof on or before the first day of November next, one third part thereof on or before the first day of February next, and the residue thereof on or before the first day of June next, or at such earlier time as the stockholders at any meeting may order; and no dividend of profits shall be declared or paid on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformable to the provisions of this act; and the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said Bank, which, being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of five thousand dollars and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think proper: *Provided however*, that nothing herein contained shall prevent said corporation from taking and holding real estate, on mortgage, or on execution, to any amount, as security for, or in payment of any debt due to said corporation: *And provided further*, that no money shall be loaned, or discounts made, nor shall any bill be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

Capital stock

When paid
in.

Proviso.

SEC. 3. *Be it further enacted*, That the rules, limitations and provisions, which are provided in

and by the third section of an act entitled, "an act to incorporate the President, Directors, and Company of the State Bank," shall be binding on the Bank hereby established, in the same manner as though especially recited in this act, excepting that the bond to be given by the Cashier shall be given in the penal sum of twenty thousand dollars; and the number of Directors to be annually chosen shall be nine, and be inhabitants of and residents within the county of Worcester, in said Commonwealth, and accountable for the doings of the whole Board, five of whom may constitute a quorum for transacting business: *Provided*, that the amount of bills of the said Bank in circulation, shall not at any one time exceed the capital actually paid in.

Cashier give bond.

No. of Directors.

Proviso.

SEC. 4. *Be it further enacted*, That the said Bank shall be established and kept in the town of Millbury, in the county of Worcester; and a majority of the Directors shall always be resident in said town, and all of them in the county of Worcester; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said Bank.

Location of Bank.

SEC. 5. *Be it further enacted*, That any committee, especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

Charter, how forfeited.

SEC. 6. *Be it further enacted*, That the persons herein before named, or any one of them, are authorized to call a meeting of the stockholders of

First Meeting.

said corporation, at a convenient time and place, by advertising the same three weeks successively, in the Massachusetts Spy and National Ægis, two papers printed in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Common-
wealth may
subscribe.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation herein before provided for, and whenever the Commonwealth shall become so interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors for the management of the same.

Liable to
pay, &c.

SEC. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank altered to a larger amount in the course of its circulation, notwithstanding such alteration; and shall also be liable to pay to any bona fide holder the amount of any note of said Bank counterfeited, unless such note is printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said Bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Pay to Com-
monwealth,
&c.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of April next, shall pay, by way of tax, to the Treasurer of this Commonwealth for the use of the same, within ten days after the first Monday of April and October,

annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual interest, at a rate not exceeding five per centum per annum.

Shall loan to the Commonwealth.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

Capital stock shall not be sold, &c.

[Approved by the Governor, June 18, 1825.]

CHAP. XLIII.

An Act to incorporate the Second Congregational Society in the town of North Bridgewater.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Abiel Kingman, Micha Packard, David Cobb, jun. Nathan Hayward, Gideon Harvard, David Packard, Marcus Shaw, Jesse Packard, John Battles, Hiram Atherton, Nahum I. Smith, Newton Shaw, Anthony S. Allen, Edwin Kuth, Washburn Packard, Asa Britt, Harvey Hersey, Samuel Thayer, Samuel Howard, Eliphalet Thayer, Oliver Snell, jun. Zebah Thayer, Sihon Packard, jun. Appollos Howard, Wilhome Howard, Caleb Howard, jun. Azor Packard, Simeon Dunbar, Nathaniel H. Cross, Joseph S. Packard, Joseph D. Snell, Zenas Packard, jun. Stillman Wil-

Persons incorporated.

lis, Silas Snow, Silas Snow, jun. John Curtis, Hosea Packard, Asa Shaw, Samuel Packard, William Curtis, jun. Isaac Packard, Isaac Richards, John Field, Zophar Field, Austin Howard, Josiah W. Curtis, Richmond Carr, Otis Howard, David Edson, third, Luke P. Lincoln, Thomas Reynolds, Azel Reynolds, Oliver Snell, Isaac Snell, Jeremiah Snell, James J. Sanders, Daniel Bryant, Ara Battles, Abijah Childs, Thomas White, Thomas White, jun. Arza Leonard, and John White, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society by the name of the Second Congregational Society in the town of North Bridgewater, with all the privileges, powers, and immunities which other religious societies in this Commonwealth are by law entitled to, and may purchase, receive by gift, or otherwise, real estate to the value of which shall not exceed the sum of eight thousand dollars.

Powers, privileges, &c.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for all deeds hereafter to be given on the sale of any interest in a meeting house, which may be erected for the use of said society, to be recorded by the Clerk of said society, in a book to be especially provided for that purpose; and all deeds, legally executed and recorded as aforesaid, shall be deemed sufficient in law, any law or usage to the contrary notwithstanding.

First meeting.

Officers, &c.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Plymouth, upon application therefor, be, and is hereby authorized and empowered to issue his warrant to some member of said society, requesting him to notify the first meeting of said society, at such convenient time and place as may be appointed in said warrant, for the election of officers, and to transact such parochial business as may be authorized in said warrant.

[Approved by the Governor, June 18, 1825.]

CHAP. XLIV.

An Act to incorporate the Ætna Insurance Company in Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Hales, Daniel Sargent, Henry Lunt, Nathaniel G. Snelling, Lewis Tappan, Charles Thacher, John T. Apthorp, Thomas Wigglesworth, Henry Lee, and William Lawrence, with their associates, successors and assigns, be, and they hereby are incorporated into a Company and Body Politic, by the name of the Ætna Insurance Company, with power to insure Manufactories, and other buildings and property, against fire; and to be governed and controlled by the provisions contained in a law of this Commonwealth, entitled, "an act to define the powers, duties and restrictions of Insurance Companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as they may apply to a corporation established for the exclusive purpose of insuring against the risk of fire, and with authority to make insurances against fire, on buildings, machinery and stock employed in manufacturing, and on dwelling houses and all other buildings and property liable to be burned or injured by fire, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *Provided*, their real estate shall not exceed the value of one hundred thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said Company.

Persons incorporated.

Powers, privileges, &c.

Proviso.

CAPITAL STOCK. *SEC. 2. Be it further enacted,* That the capital stock of said Company shall be one million of dollars, and said capital shall be divided into shares of one hundred dollars each, the whole of which shall be paid in quarterly payments, in three, six, nine, and twelve months, after the first meeting of the Company, fifty per cent. of which shall be secured, agreeable to the provisions contained in the third section of an act "to define the powers, duties and restrictions of Insurance Companies," passed February the sixteenth, in the year of our Lord one thousand eight hundred and eighteen. The residue of the capital shall be invested in such manner as the Directors may in their discretion think proper, for the ample security of the same.

DIRECTORS, DUTIES OF, &c. *SEC. 3. Be it further enacted,* That the stock, property, affairs, and concerns of the said Company, shall be managed and conducted by twenty-five Directors, one of whom shall be President thereof, and who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said Company, and citizens of this Commonwealth, at the time of their election, which shall be on the second Wednesday in January in every year, at such time of the day, and at such place in Boston, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed in Boston, and continued for the space of ten days preceding such election, which shall be made by ballot, and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided,* that no stockholder be allowed more than thirty votes, and the stockholders not present may vote by proxy; and if, from any cause, the Directors should not be chosen on the second Wednesday in January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

PROVISO.

SEC. 4. *Be it further enacted,* That the Directors shall meet as soon as may be, after every election, and choose from their Board, one person to be President, who shall be sworn to the faithful discharge of the duties of his office; and every vacancy in the office of President, or Directors, that may occur in the interim of the annual meetings, may be filled by a special election in the manner herein prescribed for the annual elections.

President.

SEC. 5. *Be it further enacted,* That the President and four Directors, or five Directors in the absence of the President, shall be a Board competent to transact the business of the Company, and all questions before them shall be decided by a majority of the Board; and they shall have power to make such rules and by-laws as they may deem proper for the management of the affairs, and security of the property of said Company; and have power to appoint a Secretary, and such other officers as they may think necessary; and make such compensations as they may deem adequate to the services performed: *Provided,* that such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

Board make by-laws, &c.

Proviso.

SEC. 6. *Be it further enacted,* That any two of the persons named in this act, are hereby authorized to call a first meeting of said Company, for the purpose of organizing and carrying the same into operation, by giving notice in two of the newspapers printed in Boston. four days previous to the time of holding such first meeting.

First meeting.

SEC. 7. *Be it further enacted,* That said Company shall never take, on any one risk, a sum exceeding ten per centum on the capital stock of said Company actually paid in, agreeable to the provisions contained in this act.

SEC. 8. *Be it further enacted,* That the said Ætna Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar corporations.

Liable to be taxed.

[Approved by the Governor, June 18, 1825.]

CHAP. XLV.

An Act to incorporate the Columbian Manufacturing Company.

Persons in-
corporated.

Objects of
corporation.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ebenezer D. Ammidown, Moses Plympton, and Samuel Hartwell, jr. together with such others as may hereafter be associated with them, and their successors, be, and they are hereby made a corporation, by the name of the Columbian Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, and grinding grain, in the town of Southbridge and county of Worcester; and for these purposes, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Amount of
corporate
property.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for the purposes assigned.

[Approved by the Governor, June 18, 1825.]

CHAP. XLVI.

An Act in addition to an act, to incorporate the Boston and Springfield Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Boston and Springfield Manufacturing Company, be, and they hereby are, allowed to increase their capital stock the sum of five hundred thousand dollars, to be divided into shares of one thousand dollars each; and that said corporation may invest and hold a part of their whole capital, not exceeding three hundred thousand dollars, in real estate, and the residue in personal estate.

Increase of capital stock.

[Approved by the Governor, June 18, 1825.]

CHAP. XLVII.

An Act to incorporate the Mount Pleasant Cotton and Woollen Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Upham, John A. Smith, Emory Washburn, James Smith, Nathaniel P. Denny, and Joshua Clapp, their associates, successors, and assigns, be, and they hereby are made a corporation by the name of the Mount Pleasant Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Leicester, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act

Persons incorporated.

Powers, privileges, &c.

passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an act defining the general powers and duties of manufacturing corporations," and the acts in addition thereto.

Capital
stock.

SEC. 2. *Be it further enacted*, That the capital stock shall not exceed the sum of two hundred thousand dollars, personal, and one hundred thousand dollars real estate.

[Approved by the Governor, June 18, 1825.]

CHAP. XLVIII.

An Act in addition to an act, entitled, "an act for regulating and disposing of the fish called alewives, within the limits of the town of Weymouth, and for the more effectually securing to the said town the advantages thereof."

Preamble.

WHEREAS, an agreement has been entered into between the proprietors of the Falls and water privileges on Alewife River, and the town of Weymouth, for the removal of the objections which exist in the minds of said proprietors under the act to which this is in addition, to the use of their water power, for manufacturing purposes; in pursuance of said agreement—

Fish ways
erected.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the proprietors of the water falls and mill privileges on Alewife river, in Weymouth, be, and they are hereby authorized and empowered to erect proper fish ways, which shall be satisfactory to commissioners to be appointed as is hereinafter provided, and said

commissioners, when thus appointed, shall have full power to settle difficulties which may arise between the town and said proprietors, on the complaint of either party, and the cost of such meeting shall be awarded to either party by the commissioners.

Commission-
ers, power of.

SEC. 2. *Be it further enacted*, That his Excellency the Governor, with advice of Council, be, and he is hereby authorized and empowered to appoint three suitable persons to be commissioners for the purposes aforesaid. And it shall be the duty of said commissioners, when any complaint is filed by either party, to give reasonable notice to the other party, of the time and place fixed for enquiring into and deciding on the same, and in case of disagreement, the decision of any two of said commissioners shall be final.

Duties, &c.

SEC. 3. *Be it further enacted*, That whenever any obstruction shall be made to the passage of said fish into Whitman's pond, and repassing from thence to the sea, instead of the fish committee appointed by said town, having power as is provided by the act to which this is in addition, to enter the land of any person or persons, for the purpose of removing such obstructions, it shall be the duty of said committee to make complaints thereof to the commissioners aforesaid; who shall proceed to consider, examine and decide upon the same, according to the provisions of this act.

Commission-
ers to receive
complaints.

SEC. 4. *And be it further enacted*, That such parts of the act to which this is in addition, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

[Approved by the Governor, June 18, 1825.]

CHAP. XLIX.

An Act to incorporate the Merchants' Insurance Company, in New Bedford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John A. Parker, William H. Allen, Gideon Allen, Timothy G. Coffin, Abraham Barker, David R. Green, Elisha Haskell, Joseph Brown, Eli Haskell, Hayden Coggeshall, George Randall, Gideon Randall, Stephen Merrihew and Lemuel Tripp, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Merchants' Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled, "an act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled, "an act authorizing the several insurance companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; for and during the term of twenty years after the passing of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said Company: *Provided*, the said real estate shall not exceed the value of twelve thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

Persons in
incorporated.Powers, priv-
ileges, &c.Term of
charter.

Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said Company, exclusive of premium notes and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, ten per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ninety days after public notice given by the President and Directors, chosen by the stockholders, in the newspapers printed in New Bedford, and the residue shall be secured by a deposit of stock of some bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and be paid in such sum or sums, at such time or times, and under such penalties, as the said President and Directors shall, in their discretion, direct and appoint.

Capital.

When paid in.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said Company, and citizens of this Commonwealth, and shall be elected on the first Monday of January, annually, at such time of the day and in such place in New Bedford, as the Directors for the time being shall direct; of which election public notice shall be given, in one or more newspapers printed in New Bedford, ten days at least previous to the meeting, and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided,* that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy under such regulations as the said Company shall prescribe; and if, by any accident, the Directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner

Directors,
powers of,
&c.Time, &c. of
elections.

Proviso.

Secretary
call meeting.

herein provided ; and it shall be the duty of the Secretary of said Company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in said New Bedford, as they shall direct, for the purposes mentioned in such application, by giving the like notice thereof as is herein required for the election of Directors.

President.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall be sworn or affirmed to the faithful performance of the duties of his office, and who shall preside for one year ; and in case of death, resignation, or inability to serve, of the President, or any Directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the same manner as is herein before provided, respecting annual elections of Directors.

Board, powers of, &c.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to the transaction of business, and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks and servants employed, and the election of the Directors, and all such matters as appertain to the business of Insurance ; also shall have power to appoint a Secretary, and so many Clerks for carrying on the said business, and with such salaries and allowances to them, and to their President, as to the said Board shall

seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. Proviso.

SEC. 6. *Be it further enacted*, That any five of the persons named in this act, are hereby authorized to call a meeting of said Company, by advertising the same in one or both newspapers printed in New Bedford, in two successive papers, for the purpose of electing their first Board of Directors, who shall remain in office until the first Monday in January next, and until others shall be elected in their stead: *Provided however*, that this charter shall be void and of no effect, unless put in operation agreeably to the terms of it, within one year from and after the passing of this act: *And provided also*, that said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital of said Company shall have actually been paid in, and secured in manner before provided. First meeting.

SEC. 7. *Be it further enacted*, That said Company shall never take, on any one risk, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said Company, agreeably to the provisions of this act. Charter, how forfeited.

SEC. 8. *Be it further enacted*, That said Insurance Company shall be located and kept in the town of New Bedford. Amount of single risk.

SEC. 9. *Be it further enacted*, That said Merchants' Insurance Company shall be liable to be taxed by a general law providing for the taxation of all similar corporations. Location.

SEC. 10. *Be it further enacted*, That the capital stock of said Company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year after this charter shall be put into operation as aforesaid. Liable to be taxed.

[Approved by the Governor, June 18, 1825.]

CHAP. L.

An Act to incorporate the Trustees of the Ministerial Fund in the town of Lynnfield.

Preamble.

WHEREAS a religious society, of the Congregational denomination, was established in Lynnfield, in the year of our Lord, one thousand seven hundred and twenty, and the said society, on the second day of September, in the year of our Lord, eighteen hundred and eighteen, did form and adopt a constitution, for the purpose of raising and establishing a fund for the support of the gospel ministry in the said town, according to the faith and order of the Congregational persuasion; and the committee of the said society, in their behalf, have petitioned for an act of incorporation to carry into effect the intention of forming the said constitution.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Needham, Andrew Mansfield, John Perkins, John Briant, and Elijah Hewes, their successors and assigns, shall be, and hereby are made a corporation, in perpetual succession, as Trustees of the fund hereby established, for the support of the gospel ministry in the town of Lynnfield, by the name of the Trustees of the Lynnfield Society for the support of the gospel ministry, and for this purpose shall have and exercise the powers and privileges usually granted to like corporations, and in the due care and management of the said fund, shall be directed and governed by the following rules, viz:—

Rules, &c.

First, any person who shall pay twenty dollars, at any one time, shall be a member for life, and any person who shall pay one dollar, and shall afterwards annually pay fifty cents into the parish

treasury, shall be a member of said society so long as he continues to pay said sum; and any member not paying annually his subscription, shall cease to be a member, and shall have no right to vote in the affairs of the said society; and any settled minister of the gospel, of the Congregational denomination, who may desire it, may be an honorary member of the said society. Second, the officers of the said corporation shall be a Chairman, Treasurer, a Clerk, and three Directors, and no one person shall be eligible to any of the above offices for more than three years successively, nor to more than one office at any one time, and only two Directors shall be elected in any one year who have served as Directors the preceding year; the appropriations of all monies shall be made by the Directors; and the Chairman, with the consent of one of the Directors, may call special meetings; or, in the absence of the Chairman, any two of the Directors, may call such meetings. Third, a permanent fund shall be provided for the support of a minister of the Congregational persuasion, of which only five sixths parts of the interest may be expended, from all the bequests, donations, grants, subscriptions, or otherwise, the aggregate of which shall form the said fund, and form a portion of the annual receipts, which shall be from time to time determined by the said Directors. Fourth, the Treasurer shall give bond, with two sufficient sureties, in a reasonable sum to be determined by the Directors, for the faithful discharge of his duty, which shall be to vest the property of the society in the safest and most productive forms according to the instructions of the Directors, to make such payments as they may order, and annually to render to the said society a written account of all receipts and expenditures during the passed year, and the present state of the fund, and the manner in which it is invested and secured. Fifth, none of the above described sums shall be drawn out of the treasury, until the capital stock shall amount to five hun-

Officers, &c.

Support of a minister.

Treasurer to give bonds.

Monies, how drawn.

dred dollars; but after the capital stock shall amount to more than five hundred dollars, any part of the interest, not exceeding four per cent. may be drawn out by a vote of the society giving such orders to the Directors; and when the said fund amounts to one thousand dollars, then the said five sixth parts of the interest shall be annually paid for the support of a Congregational minister in the said society; and if such teacher is not provided by said society, the interest accruing to the said fund, shall be added to said fund. And it shall never be in the power of said Trustees or Directors to alienate or change the application or appropriation of the said fund. Sixth, there shall be an annual meeting of the said society on the first Wednesday in April, called by the Clerk, by posting up a written notification on the meeting house in Lynnfield, and the time and place of meeting.

Power to call
a meeting.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Essex, upon application therefor, is hereby empowered to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said society; to be holden at such convenient time and place as may be appointed in the said warrant, to organize the said corporation by the appointment of its officers.

[Approved by the Governor, June 18, 1825.]

CHAP. LI.

An Act in addition to an act entitled, "an act to establish the Becket Turnpike Corporation."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of

the said Turnpike road, which lies between the place where the Chester turnpike intersects the said Becket turnpike, and the house of Daniel Sherman, in said Becket, being about eighty rods of said road, be, and the same is hereby discontinued as a turnpike road, and the said corporation are hereby discharged from the obligations of keeping in repair that part of said turnpike lying between the limits aforesaid, any thing in the act to which this is in addition to the contrary notwithstanding.

Road discontinued.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, eighty rods of the west end of the Chester turnpike be, and the same is hereby annexed to the said Becket turnpike; *Provided*, the consent of the Chester Turnpike Corporation to the annexation aforesaid shall be first had and obtained.

Road annexed.

Proviso.

[Approved by the Governor, June 18, 1825.]

CHAP. LII.

An Act establishing a Fire Department in the City of Boston.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Fire Department of the City of Boston shall hereafter consist of one Chief Engineer, and as many other Engineers, Fire-wardens, Firemen, Hose-men, and Hook and Ladder men, as shall, or may, from time to time, be elected and appointed by the Mayor and Aldermen, such election of the Chief and other Engineers to be concurred in by the Common Council of said city.

Officers, &c.

Mayor, &c.
authorized to
elect and ap-
point officers.

SEC. 2. *Be it further enacted*, That the Mayor and Aldermen of said city be, and hereby are, authorized so to elect and appoint all or as many of the said officers, to cause certificates to be issued of such election and appointment, and to fix a compensation for the services of the Chief Engineer annually, said compensation to be concurred in by the Common Council.

Duty of City
Council.

SEC. 3. *Be it further enacted*, That it shall be the duty of the City Council of said city, to fix and ordain, from time to time, the powers and duties of those officers respectively, in relation to fire engines, and all other fire apparatus belonging to or used in the said city, and also to the care and management thereof, and to the conduct of said officers and of the citizens present at fires, and to annex penalties for the breach of any rules or regulations they may so fix and ordain, not exceeding twenty dollars.

Powers of
Chief Engi-
neers, &c.

SEC. 4. *Be it further enacted*, That the Chief Engineer, Engineers, and Fire-wardens, so elected and appointed, shall have the same powers and authorities relative to the pulling down or demolishing any house or other building to prevent the spreading of fires, and also relative to all other matters and things affecting the extinguishment or prevention of fires, or the commanding assistance at them, as Fire-wardens now by law have, subject always to such modification as the City Council or the Legislature of this Commonwealth may ordain and establish. And the said city of Boston shall be liable to pay all such reasonable compensation for damage done by or consequent upon the acts or directions of said Chief Engineer, Engineers, and Fire-wardens as other towns in this Commonwealth are liable to pay in like cases for like acts and directions, done or given by their Fire-wardens; and all fines and forfeitures arising within the said city of Boston, under the laws of this Commonwealth relative to the extinguishment of or proceeding at fires, shall be distributed in

such way and manner, and applied to such use as the said City Council shall, from time to time, ordain and determine, any thing in said laws to the contrary notwithstanding, subject always to repeal or alteration by the Legislature of this Commonwealth.

SEC. 5. *Be it further enacted,* That every member of said Fire Department shall be exempt from militia services so long as he shall continue to serve in said department; and it shall be the duty of the person so exempted, to produce to the commanding officer of the militia company within whose bounds he may reside, on or before the first Tuesday of May in each year, a certificate, signed by the Mayor of the city, stating that he is a member of said Fire Department.

Exempted
from militia
duty.

SEC. 6. *Be it further enacted,* That from and after the organization of a Fire Department under this act, and notice thereof given in one or more newspapers published in said city, by the Mayor thereof, all laws of this Commonwealth, relating to the election and appointment of Firewards, so far as they affect the election or appointment of Firewards within the said city, be, and the same are hereby repealed.

Repeal of
laws.

SEC. 7. *Be it further enacted,* That the provisions of this act shall not take effect until the same shall have been accepted by the ballots of the citizens of Boston, at a general meeting called for that purpose.

[Approved by the Governor, June 18, 1825.]

CHAP. LIII.

An Act to incorporate the President, Directors, and Company of the Bunker Hill Bank.

Persons in-
corporated.

Term of
charter.

Proviso.

Capital stock.

When paid

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Isaac Warren, Seth Knowles, William Austin, George Bartlett, Nathaniel Austin, Thomas I. Goodwin, David Devens, Timothy Walker, John Winship, and Samuel Jaques, Jun., their associates, successors and assigns, shall be, and hereby are created a Corporation, by the name of the President, Directors, and Company of the Bunker Hill Bank, and shall so continue from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled, "an act to incorporate the President, Directors, and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted. *Provided however,* that the amount of bills issued from said Bank, at any one time, shall not exceed fifty per centum of the amount of capital stock actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct; fifty per centum, how-

ever, to be paid in on or before the first day of January next, and the residue within one year from the passing of this act; and no dividend shall be declared on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of twenty thousand dollars and no more, at any one time; with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable: *Provided however*, that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation; *And provided further*, that no monies shall be loaned, or discounts made; nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to seventy-five thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank,

Amount of
property, &c.

Proviso.

or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor; and no stockholder shall be allowed to borrow any money of said Bank until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Location of
Bank.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in Charlestown; and the whole number of Directors shall be nine, and a majority of the Board shall be inhabitants of said town; and no loan or discounts shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said Bank.

Shall loan to
Common-
wealth.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by four annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

First meet-
ing.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws, and regulations, for the orderly conducting the af-

fairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Common-
wealth may
subscribe.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if, at any time hereafter, they shall see fit to exercise that right.

Number of
Directors.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier give
bond.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have actually been paid in.

Shall pay to
Common-
wealth.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder, the original amount of any note of said

Liable to
pay, &c.

Bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any bona fide holder the amount of any note of said Bank counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

This act,
how void.

SEC. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Stock not
transferable.

SEC. 12. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereof, for, and during the term of one year from the passing of this act.

[Approved by the Governor, June 18, 1825.]

CHAP. LIV.

An Act to incorporate the First Presbyterian Church in the City of Boston.

Persons in-
corporated.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Sabine, Aaron Morse, William Young, Nathaniel Perry, Lawson Caryl, D. Moody, Thomas Edmands, and John Green, jun. with their associates and suc-

cessors, be, and they hereby are, incorporated by the name of the First Presbyterian Church in the City of Boston, with power to make all necessary by-laws, and to enjoy all the rights and privileges to which parishes and other religious societies are entitled by the constitution and laws of this Commonwealth; and the aforesaid James Sabine, Aaron Morse, and William Young, or any two of them, are authorized to call the first meeting of said Society, by giving due notice thereof.

Powers, pri-
vileges, &c.

First meeting

[Approved by the Governor, June 18, 1825.]

CHAP. LV.

An Act to incorporate the President, Directors and Company of the North Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, That William Little, William B. Bradford, Ebenezer Clough, Henry J. Oliver, Ezra Eaton, Theodore Dexter, Henry D. Gray, Henry Orne, P. P. F. Degrand, their associates, successors and assigns, shall be, and hereby are created, a corporation by the name of the President, Directors and Company of the North Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled, "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as ful-

Persons in-
corporated.

Proviso.

ly and effectually as if the several sections of said act were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said Bank at any one time, shall not exceed fifty per centum of the amount of the capital stock actually paid in.

Capital stock

When paid
in.

Proviso.

Amount of
real estate.

SEC. 2. *Be it further enacted,* That the capital stock of said Corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following; that is to say, one fourth part thereof on or before the first day of November next, and the residue in such times, and in such proportions, as the Directors hereafter to be chosen shall determine: *Provided,* that the whole amount shall be paid within one year from the date of this act. And no stockholder shall be allowed to borrow any money at said Bank, until he shall have paid in his full proportion of the whole of the said capital stock, as herein before provided; and no dividend shall be declared on the capital stock of said Bank, until the same sum of five hundred thousand dollars shall be paid in manner aforesaid. And the stockholders shall, at their first meeting, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of one hundred thousand dollars, and no more at any one time, with the power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the President or two Directors; and to loan and negotiate their monies

and effects by discounting on banking principles, on such security as they may think advisable: *Pro-* Proviso.
vided, however, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And pro-* Proviso.
vided further, that no money shall be loaned or discount made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or the majority of them, that said capital stock hath been bona fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor.

SEC. 3. *Be it further enacted,* That the said Bank shall be established and kept in the north part of Boston, and at some point north of Faneuil Hall market, and of Union street, and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the Bank aforesaid. Location of bank.

SEC. 4. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of Call a meeting.

Establish by-
laws, &c.

Choose offi-
cers.

Shall loan to
the Common-
wealth.

Common-
wealth shall
have a right
to subscribe.

Legislature
appoint Di-
rectors.

making, ordaining, and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

SEC. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum which may be required, not exceeding ten per centum of the capital stock actually paid in at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by a law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty per centum of the capital stock, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be by the Legislature made and established.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office,

shall give bonds, with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

Cashier give bonds.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of November next, shall pay, by way of tax, to the Treasury of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock, which shall have actually been paid in.

Shall pay to the Treasury, &c.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank counterfeited, or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and shall also be liable to pay to any bona fide holder the amount of any note counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Liable to pay, &c.

SEC. 11. *Be it further enacted*, That if the Bank hereby created be not put into operation within one year from the date of this act, the same shall be void; and no part of the capital stock of said Bank shall be sold or transferred, until the whole amount thereof shall have been paid in.

This Act, how void.

Capital stock shall not be sold, &c.

[Approved by the Governor, June 18, 1825.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, AUGUST 17, 1825.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Acts as passed by the Legislature at their session in May and June last, and that they appear to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION WHICH COMMENCED ON WEDNESDAY, THE FOURTH
OF JANUARY, AND ENDED ON SATURDAY, THE FOURTH OF MARCH,
ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX.

CHAP. LVI.

An Act to incorporate the Three Rivers Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Levi Brigham, William S. Rogers, Samuel D. Ward, Levi Merriam, Darius B. Holbrook, Thomas A. Dexter, Willard Phillips, Charles P. Dexter, and Anthony Olney, with their associates, successors and assigns, be, and they hereby are, made a Corporation by the name of the Three Rivers Manufacturing Company, for the purpose of Manufacturing Cotton, Woollen and Linen Goods, Iron and Machinery, in the town of Palmer, in the County of Hampden, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

Powers, privileges, &c.

May hold real and
personal estate.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding, in value, the sum of three hundred thousand dollars, and such personal estate, not exceeding, in value, the sum of seven hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

First Meeting.

SEC. 3. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons is hereby authorized to appoint the time and place for holding the first meeting of said Corporation, giving ten days notice thereof to the others, either by personal notice or otherwise.

[Approved by the Governor, January 21, 1826.]

CHAP. LVII.

An Act to incorporate the Shepherd Woollen Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Shepherd and James M. Robbins, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made a corporation by the name of the Shepherd Woollen Manufacturing Company, for the purpose of manufacturing Woollen Cloths, and all kinds of Machinery necessary for conducting said manufacture of Woollen Cloths, in the town of Northampton, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of

Powers, &c.

manufacturing corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said corporation may hold and possess such real estate, not exceeding, in value, the sum of one hundred thousand dollars, and such personal estate not exceeding, in value, the sum of one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of Woollen Cloths and Machinery.

May hold real
and personal es-
tate.

SEC. 3. *Be it further enacted*, That either of the persons named in this act be, and either of said persons hereby is, authorized to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof, either by personal notice or otherwise.

First meeting

[Approved by the Governor, January 21, 1826.]

CHAP. LVIII.

An Act to incorporate the Bridgewater Cotton Gin Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Eleazer Carver, jun. Solomon Washburn, Seth Washburn, Abram Washburn, Artemas Hale, Abram Washburn the second, and Nathaniel Washburn, together with such others as may associate with them, their successors and assigns, be, and they are hereby incorporated, as a Company, by the name of the Bridgewater Cotton Gin Manufacturing Company, for the purpose of Manufacturing Cotton Gins and other manufacturing purposes in the town of Bridgewater, in the County of Plymouth, and for that purpose, shall

Persons incorpo-
rated.

Powers granted.

have all the powers and privileges, and be subject to all the duties and requirements prescribed in an act entitled, "an act defining the general powers and privileges of Manufacturing Corporations," passed the third day of March one thousand eight hundred and nine, and of the several acts supplementary thereto.

May possess real and personal estate.

SEC. 2. *Be it further enacted*, That said Company may be lawfully seized of such real estate, not exceeding forty thousand dollars, and personal estate not exceeding sixty thousand dollars, as may be necessary and convenient for carrying on their said Manufacture.

First meeting

SEC. 3. *Be it further enacted*, That Artemas Hale, be, and he is hereby authorized to call the first meeting of said Corporation for the purpose of organizing the same, by giving public notice thereof in some newspaper published in the County of Plymouth, three weeks successively, the last publication to be thirty days at least before the time of such meeting, or by leaving a written notification at the last and usual place of abode of each member of said Corporation, seven days at least previous to such meeting, which notifications shall state the object of the meeting.

[Approved by the Governor, January 26, 1826.]

CHAP. LIX.

An Act to change the name of Christopher Gillpatrick.

Change of name.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Christopher Gillpatrick, of Boston, shall hereafter be known and called by the name of Christopher Gill, and the

same shall be considered as his only proper and legal name.

[Approved by the Governor, January 26, 1826.]

CHAP. LX.

An Act to incorporate the Boston Type and Stereotype Foundry,

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That Timothy H. Carter, Charles C. Little, William Hilliard, with such Persons incorpo-
rated. other persons as already have, or may hereafter, associate with them, their successors and assigns, be, and they are hereby constituted, for the purpose of establishing, managing and carrying on, in the Counties of Suffolk and Middlesex, the manufacture of printing types and stereotype plates in all its various branches, and of all other articles used in printing or engraving, a body politic and corporate, by the name of the Boston Type and Stereotype Foundry, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any Court of Record, or in any place whatsoever, and shall, and may do, and suffer, all matters, acts and things, which bodies politic ought to do and suffer; and shall have power to make, May have a com-
mon seal. have, and use a common seal, and the same again at pleasure to break, alter, and renew. And the said Company shall have all the powers and privi- Powers granted. leges, and be subject to all the duties contained in an act, entitled "An Act defining the general powers and duties of Manufacturing Corporations, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and any other acts additional thereto, which shall have been passed from time to time.

May hold Real
and Personal Es-
tate.

SEC. 2. *Be it further enacted*, That the said Corporation, may purchase, take, hold and convey, real and personal estate of every kind, to such an amount as they may find necessary or convenient in the management of their concerns; *Provided*, the same shall not exceed the sum of fifty thousand dollars in real estate, nor one hundred thousand dollars in personal estate.

Assessments.

SEC. 3. *Be it further enacted*, That the said Corporation be, and are hereby authorized, to raise such sums of money, as may, from time to time, be necessary for effecting the objects of the said Corporation, by equal assessments on the several shares therein; and the time when such assessments become due and payable, shall be made known to each proprietor, by the Clerk of the said Corporation, by written notice, left at his last and usual place of abode, or by letter addressed to him by mail, or by public notice as the Corporation may direct. And the Treasurer of said Corporation is hereby authorized to sell, at public auction, the share or shares of any proprietor, who shall neglect to pay the assessments laid thereon, within ten days after the same shall become due and payable, as aforesaid; or so many of such shares, as shall become necessary for that purpose, giving notice of the time and place of such sale, in one of the newspapers printed in Boston, or in one, in which the laws of this Commonwealth are ordered to be printed, for the time being, thirty days at least before the time of such sale; and a deed of such share or shares duly executed and acknowledged by the Treasurer, and recorded, shall be a valid conveyance of such delinquent proprietor's share or shares to the purchaser thereof; and the surplus money arising from such sale, if any remain, (after paying the assessments due, and interest thereon, from the time when the same became due, as also all the charges and expenses of such sale) shall be paid to such delinquent proprietor, or his assigns; or the said Corporation may recover the amount of

Treasurer to sell
shares.

such assessments and interest, with costs, in an action of debt in any Court, having jurisdiction thereof, as they shall elect and determine.

SEC. 4. *Be it further enacted*, That Timothy H. Carter, or either of the aforementioned persons, is hereby authorized to call the first meeting of the said Corporation by written notice, to be left at the last and usual place of abode of each proprietor, or by letter addressed by mail, or by public notice, at least seven days previous to the said meeting; at which first meeting the proprietors present shall choose a Clerk, who shall be sworn to the faithful discharge of his duties.

Meeting to be called and Clerk to be chosen.

[Approved by the Governor, January 26, 1826.]

CHAP. LXI.

An Act to incorporate the Liberty Square Warehouse Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Hubbard, Henry Hubbard, and William F. Otis, and all such persons as may associate with them as proprietors, their successors and assigns, shall be and hereby are constituted a body politic and corporate by the name of the Liberty Square Warehouse Company, and by that name may sue and be sued, defend and be defended, in any Courts of Record or other place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic may do and suffer, and may make, have and use a common seal, and the same at pleasure break alter and renew, and ordain and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient, for the go-

Persons incorporated.

May have a seal and by-laws.

ernment of said corporation, and for the prudent management of their affairs; and for the breach of such by-laws, ordinances and regulations, may order fines and penalties, not exceeding ten dollars for every breach. *Provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Proviso.

May hold real estate.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation be and the same hereby is declared capable to hold, have and possess, in fee simple or otherwise, all or any part of that real estate in the City of Boston, bounded north on Liberty Square, west on Kilby Street, south on Milk Street, and east on Battery March Street. *Provided*, the said Corporation shall acquire the same by legal grant from the lawful proprietors thereof. And said Corporation shall have power to grant, sell and alien, in fee simple or otherwise, the said corporate property or any part thereof, and to lease, manage and otherwise improve the same, according to their will and pleasure, and by such forms of conveyance and contract as shall by their by-laws be provided.

Proprietors may agree upon number of shares.

Shares liable to attachment.

Real estate may be attached.

SEC. 3. *Be it further enacted*, That said Proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the Proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the Certificate recorded by the Clerk of the Corporation, in a book to be kept for that purpose, and shall be liable to attachments on mesne process and sale on execution in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated Companies.

SEC. 4. *Be it further enacted*, That the real estate and other property of said Corporation shall be liable to be attached on mesne process, and be set off and sold on execution against the Corpora-

tion in the same manner as the property or estate of individuals, is by law subject to mesne or final process.

SEC. 5. *Be it further enacted,* That said Corporation shall have power, from time to time, to assess on the Stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement and good management of their estate, and for erecting, repairing or altering buildings or for the incidental expenses of the Corporation, and to sell or dispose of the shares of any delinquent proprietor for the payment of such assessment, in such way and manner as said Corporation may, by their by-laws and regulations, determine and agree upon.

Assessments allowed.

SEC. 6. *Be it further enacted,* That, in all meetings of the Stockholders in the said Corporation, each member shall be entitled to one vote for each share held by him.

One vote may be given for each share.

SEC. 7. *Be it further enacted,* That either of the persons named in the first section of this act may call the first meeting of said Corporation, by advertising, in any newspaper, printed in Boston, three times, the first not less than three days before the time appointed for such meeting; and the Corporation at their first meeting, and afterwards annually, on such day as shall be established by the by-laws, shall choose a President, Clerk and such other Directors or Officers, as they may see fit, which Clerk shall be under oath; they may also agree upon the mode of calling future meetings.

One Proprietor to call meeting.

SEC. 8. *Be it further enacted,* That all covenants or contracts, which shall be made by said Corporation, and all debts due from it shall be binding on each one and all of those persons, individually, who shall be Stockholders in said Corporation, when such contracts respectively are made; and on their respective heirs, executors and administrators, in the same manner as if such covenants or contracts had been made on debts contracted by such Stockholder or Stockholders, in his or their individual capacity.

Contracts binding on individual property.

Proviso.

SEC. 9. *Be it further enacted*, That this act shall continue in force twenty years from the passing thereof, after the expiration of which time the same may be repealed at the pleasure of the Legislature. *Provided*, that in case of such repeal the lands and tenements of said Corporation shall be vested in the shareholders at the time of such repeal, and their heirs as tenants in common, in proportion to their respective interest in the premises.

[Approved by the Governor, February 3, 1826.]

CHAP. LXII.

An Act to establish the Poutoosac Turnpike Corporation.

Persons incor-
porated.

BE *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Jonathan Allen, Lemuel Pomroy, Joseph Shearer, Joseph Merrick, Thomas Gold, James Fowler, Henry Stearns, and Enos Foot, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the Poutoosac Turnpike Corporation, for the purpose of making a turnpike road, from the South east part of Pittsfield, in the best course through parts of the towns of Hinsdale, Middlefield, Washington and Chester, so as to cross the line between said towns of Washington and Middlefield, at or near the Potter House so called, thence along the Mill Brook so called, to the place of the conjunction of said Brook with the Westfield river, thence along said Westfield river, until it shall intersect the road leading from Albany, to Westfield, at a point near the Tavern House of Col. Henley ;—And for this purpose shall

have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled "An Act defining the general powers and duties of Turnpike Corporations," Powers granted. passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

[Approved by the Governor, February 15, 1826.]

CHAP. LXIII.

An Act for the preservation and regulation of the Fishery in the town of Falmouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of March next, it shall not be lawful for any person living without the jurisdiction of this Commonwealth, to take any Lobsters, Tautog, Bass, or other Fish, within the harbours, inlets, coves or waters of the town of Falmouth, for the purpose of carrying them away from said waters in smacks or vessels owned without the Commonwealth, of any size, nor any owned within this Commonwealth over fifteen tons, and any and every person offending against the provisions of this Act, shall forfeit and pay the sum of ten dollars for every offence, and also forfeit all the fish and lobsters so taken, or the value thereof. Persons not to take fish. Forfeitures.

SEC. 2. *Be it further enacted,* That the waters and shores of said town of Falmouth shall be considered and taken by this Act to extend from the shores of said Falmouth, including all the waters, islands and rocks lying within one mile of the main land. Limits assigned.

Fines appropri-
ted.

SEC. 3. *Be it further enacted*, That all fines and forfeitures which may be incurred for offences against this Act, shall be, one half to him or them who may first sue for the same, and the other half to the use of the town to which the complainant belongs, and the said fines and forfeitures may be recoverable with legal costs of suit, by action of debt or information before any Justice of the Peace for the County of Barnstable, and any person or persons aggrieved by the sentence of the Justice of the Peace, given in pursuance of this Act, may appeal therefrom to the next Court of Common Pleas, to be holden in the County in which judgment may be rendered,

Law extended.

SEC. 4. *Be it further enacted*, That to prevent the destruction of Oysters and all other shell fish, within the waters belonging to the said town of Falmouth, all the provisions, fines, forfeitures, penalties, seizures, and appropriations prescribed and contained in an act, passed in the year of our Lord, seventeen hundred and ninety six, entitled "an act, to prevent the destruction of Oysters and other shell fish in this Commonwealth," and also the several acts in addition thereto, so far as they may be applicable to the purposes of this act, be and they are hereby extended to the said town of Falmouth.

[Approved by the Governor, Feb. 15, 1826.]

CHAP. LXIV.

An Act in addition to an Act, entitled "an Act to incorporate the Duxbury Manufacturing Company."

BE *it enacted by the Senate, and House of Representatives in General Court assembled, and*

by the authority of the same, That the Duxbury Manufacturing Company be, and they hereby are authorized to hold real estate, and prosecute the business for which they were incorporated, at Marshfield, in the County of Plymouth, as well as at Duxbury, in said County; *Provided, however,* that nothing in this act contained shall be so construed as to increase the Capital Stock of said Company, beyond the amount limited by the act to which this is in addition.

May transact business in Marshfield.

Proviso.

[Approved by the Governor, February 15, 1826.]

CHAP. LXV.

An Act to incorporate the proprietors of a fund for the support of Public Worship, in the fourth Congregational Precinct, in the Town of Rochester, in the County of Plymouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George B. Nye, John B. Blankinship, Barnabas B. Nye, Stephen Delano, Stephen Hammond, John Coleman, David Hathaway, John Clapp, Caleb Handy, Joseph Handy, Alfred Kindrick, Seth Blankinship, Benjamin Delano, Weston Allen, and Oliver Cobb, with such others as shall hereafter join with them, be, and they hereby are, made a body corporate and politic, by the name of the Proprietors of the fund for supporting public worship in the fourth Congregational Precinct, in the Town of Rochester, in the County of Plymouth, and by that name may sue and be sued, and have power to increase their fund, in real or personal estate: *Provided,* that the annual income thereof shall not exceed six hun-

Persons incorporated.

Proviso.

dred dollars clear of expense ; the annual income to be expended in the support of public worship in said precinct.

Meeting may be held.

SEC. 2. *Be it further enacted*, That the said Corporation shall, annually, in the month of March or April, have a meeting and choose a clerk who shall be under oath for the faithful discharge of the trust, and a Treasurer, who shall give bond, with surety, for the faithful performance of his duty ; and also a Committee to manage the prudential affairs of the Corporation, and whose duty it shall be to warn subsequent meetings of said Corporation ; and if the Committee shall unreasonably neglect to call a meeting, any Justice of the Peace for said County, on the request of three or more of the members of said Corporation, in writing, is authorized to warn a meeting of said Corporation ; and no subject shall be acted on in any meeting unless there shall be an article for that purpose in the warrant calling such meeting.

May establish rules and regulations.
Proviso.

SEC. 3. *Be it further enacted*, That said Corporation, at a meeting for that purpose, may establish such rules and regulations, as they may think proper: *Provided* they are not inconsistent with the Laws of this Commonwealth. And the mode of warning the first meeting of said Corporation shall be the posting up a copy of the warrant, within the projection of the congregational meeting house in said precinct, ten days before the time of said meeting. And Abraham Holmes Esq. is hereby authorised and required to warn the first meeting of said Corporation.

[Approved by the Governor, February 15, 1826.]

CHAP. LXVI.

An Act to establish the Essex Marine Railway Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Moses Townsend, Richard S. Rogers, William Fettyplace, Robert Brookhouse, and Horatio Perry, all of Salem, in the County of Essex, and such other persons as have associated and may hereafter associate themselves with them, be, and they hereby are, made a body politic and corporate, by the name of the Essex Marine Railway Corporation, for the purpose of making and supporting a Marine Railway in the Town of Salem; and by that name, they and their successors may sue and be sued, and generally do and execute whatever by law shall appertain to bodies politic and corporate, and shall be capable in law to take, and hold, in fee simple, or otherwise, any lands, tenements and hereditaments, not exceeding in the whole the value of ten thousand dollars, and shall also be capable in law to take and hold personal estate not exceeding in the whole the sum of ten thousand dollars; and shall also have power to sell, demise, exchange and otherwise dispose of or manage, all or any part of their lands, tenements, hereditaments, and personal estate aforesaid, for the benefit of said Corporation, and shall also have a common seal, which they may break, alter and renew at their pleasure; and shall also have power to make by-laws, with suitable penalties and not repugnant to laws of this Commonwealth.

Persons incorporated.

May hold and sell real and personal estate.

May have a seal.

SEC. 2. *Be it further enacted,* That the whole property of said Corporation shall be divided into shares, not exceeding one hundred and fifty. And said shares shall be considered, in all respects, as personal estate; and the said Corporation shall

Shares.

Assessments.

May sell shares.

have power, from time to time, to assess upon each of said shares, such sums of money as may be deemed necessary for the purposes of said Corporation; and for the payment of any such assessment, the said Corporation shall have power, after notice given, pursuant to their by-laws in that behalf, to sell, and dispose of the shares of delinquent proprietors, at such time and manner as the said Corporation may determine, and in case of any sale of such shares aforesaid, a deed or deeds duly executed, and acknowledged by the President of said Corporation or by any person authorized by said Corporation, and recorded in their records, shall be as effectual to convey such delinquent proprietor's estate, and interest in such shares, as if such deed had been made and executed by such proprietor himself.

Meeting to be called.

May elect and remove officers.

Proviso.

SEC. 3. *Be it further enacted*, That the first meeting of said Corporation shall be called, either by personal notice to each of the proprietors, or by advertisement in any of the public newspapers printed in Salem aforesaid; such notice, or advertisement, to be, at least seven days before the day of such meeting; and at the said first meeting, or any other legal meeting, the said Corporation may agree on the mode of calling, and warning their annual and other meetings, and may elect a President and such other officers, as they may judge proper for the orderly conducting of their affairs, and the management of their property, and may change or remove such officers at pleasure, and at all meetings, each proprietor present shall be entitled to one vote for each share: *Provided*, that no stockholder shall be allowed more than ten votes, and any absent proprietor shall be entitled to vote in like manner by proxy authorized in writing.

SEC. 4. *Be it further enacted*, That the several persons herein before named, or any two of them, be, and they hereby are, authorized to call the said first meeting in manner aforesaid.

[Approved by the Governor, February 15, 1826.]

CHAP. LXVII.

An Act to incorporate certain persons by the name of the Society for the Promotion of Theological Education at Cambridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Pickman, Esq. Charles Jackson, Esq. Daniel A. White, Esq. the Rev. Joseph Tuckerman, Rev. Charles Lowell, Richard Sullivan, Esq. Stephen Higginson, Jun. Esq. Rev. James Walker, Rev. Henry Ware, and Samuel A. Elliot, Esq. and their associates; (heretofore known and acting as a Voluntary Association under the name of the Society for the Promotion of Theological Education in Harvard University,) with their successors, be, and they hereby are, incorporated and made a body politic forever, for the purpose of establishing and maintaining a Theological Institution, to assist young men of competent talents, pure morals, and piety, in preparing themselves for the Christian Ministry, by the name of the Society for the Promotion of Theological Education at Cambridge, with power to hold lands, and other property, for the purposes of the Institution, and the same to purchase or take by donation or bequest: *Provided, however,* that the same shall never exceed the annual income of twenty thousand dollars; and they may have a common seal, and the same may break and change at pleasure.

Persons incorpo-
rated.

May hold proper
ty.

Proviso.

SEC. 2. *Be it further enacted,* That there shall be an annual meeting of the society, for the choice of officers, and the transaction of such other business as may regularly come before them, on the day before the Commencement at Harvard University, to be holden at such place in Boston or Cambridge, as the directors hereinafter mentioned

Annual Meeting.

Officers chosen.

shall appoint, of which public notice shall be given at least fifteen days before the time of such meeting, and at the said meeting shall be chosen, by ballot, by the majority of the members present, a President, Secretary and Treasurer, who shall hold their offices for one year, and until others are chosen in their stead. And in case of the death or resignation of either of said officers, the vacancy may be filled in manner aforesaid, at any legal meeting of the Society. The Secretary shall be under oath, and the Treasurer shall give bond, with sufficient surety, faithfully to discharge the duties of their respective offices.

Board of Directors.

SEC. 3. *Be it further enacted*, That there shall be chosen by the Society, five persons, to be denominated Trustees. And all vacancies that may thereafter occur among them, shall be filled by the remaining members of the Board of Directors; the President, Secretary and Treasurer, with the Trustees, shall constitute a Board of Directors, and whenever a vacancy shall happen among the three first mentioned Officers of the Board, the other members shall exercise all the power of the full board. And the said Directors shall have such powers as the Society shall, from time to time, provide by its rules, regulations and by-laws.

Board constituted.

SEC. 4. *Be it further enacted*, That the Trustees shall, with the President and Fellows of Harvard College, constitute one Board, of which seven shall make a quorum, for the purpose of appropriating all monies that have been given by members of the said voluntary association, and which have been paid over by such donors to the Treasurer of Harvard College. And the President of Harvard College shall preside at all public meetings, for the examination of the Students of the Institution.

May establish rules, &c.

SEC. 5. *Be it further enacted*, That said Society be, and they hereby are, authorized and empowered, to make and ordain all needful rules, regulations and by-laws, for the government of their own

proceedings, for the admission of new members, for defining the powers and duties of their own officers, and generally for the care and management of all the affairs of the Institution—the doings of said society to be submitted to the Corporation of Harvard College, for their approbation in all cases wherein by the Constitution of the University, such assent or approbation may be requisite : *Provided* Proviso. however, that nothing in said rules, regulations and by-laws, shall be repugnant to the Constitution and Laws of this Commonwealth : *And Pro-* Proviso. *vided, also,* that no assent to the peculiarities of any denomination of Christians be required, either of the Instructors or Students in said Institution, and that no discouragement be in any manner or form given therein to the serious, impartial, and unbiased investigation of Christian truth.

SEC. 6. *Be it further enacted,* That it shall be the duty of the Directors to lay before the President and Fellows of Harvard College, at least once in every year, a statement of their proceedings, the condition of the funds, and the claims of such Students as may need pecuniary aid. Statement to be given.

SEC. 7. *Be it further enacted,* That this act shall be in force when the President and Fellows of Harvard College shall assent thereto. And it shall be lawful for the present officers of the Voluntary Association mentioned in section first, to exercise the powers given to the like officers in this Act, until such assent, and until the then next annual meeting of the society herein provided for. When to be in force.

[Approved by the Governor, February 15, 1326.]

CHAP. LXVIII.

An Act to incorporate the Boston Marine Railway Company.

Persons incorpo-
rated.

May have seal.

May make by-
laws.May hold real es-
tate.

Shares

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Israel Thordike, Caleb Loring, Nathaniel Goodard, and Charles Tracy, and others, their associates, be, and they hereby are, constituted a body politic and corporate by the name of the Boston Marine Railway Company, for the purpose of erecting Railways in the city of Boston, for the repairing of ships and vessels, and of repairing the same thereupon, and the doing and transacting of all matters and things whatsoever, relating to the building and repairing vessels upon such Railways; and the said Corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew, at pleasure; to choose and appoint a Treasurer, Clerk, and such other officers, and to make such rules and by-laws, not inconsistent with the laws of the Commonwealth, as shall be judged necessary or expedient by the said Corporation, for the management of the property, estate, income, and affairs thereof, and generally to do and execute whatever by law shall appertain to bodies corporate.

SEC. 2. *Be it further enacted,* That the said Corporation be, and it hereby is, declared capable to have, hold, and possess real estate, not exceeding in value fifty thousand dollars, and a further capital stock of thirty thousand dollars, with liberty to increase the same to any amount, not exceeding in all one hundred thousand dollars.

SEC. 3. *Be it further enacted,* That the said corporate property shall be divided into shares, and

numbered in progressive order, beginning at number one, and certificates shall be signed by the Treasurer of the Corporation, and issued to the proprietors accordingly; and the shares aforesaid shall be transferable by endorsement on the back of the said certificates, and the property in said shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the Corporation, and new certificates shall be issued accordingly; and in all meetings of the members of the said Corporation, for the transaction of business, each proprietor shall be entitled to one vote for every share held by him: *Provided, always,* that no one member shall ever be entitled to more votes than shall be equal to one fifth part in value of the corporate property; and members shall have the right to appear and act at any meeting by proxy in writing.

Shares to be transferred.

Proviso.

SEC. 4. *Be it further enacted,* That the said Corporation may, from time to time, at any legal meeting called for that purpose, assess upon each share such sum or sums of money as shall be judged necessary for raising a capital for the completion and effecting of the objects of this incorporation, and carrying on of the business thereof, and for defraying the charges and expenses incident thereto, to be paid to the Treasurer, at such time or times, and by such instalments, as shall be directed by the said Corporation; and if the proprietor of any share shall refuse or neglect to pay any tax or assessment duly voted by the said Corporation, for the term of thirty days after the time set for the payment thereof, the Treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor sufficient to pay all taxes and assessments which may be then due from such proprietor, with all necessary and incidental charges, after having given notice in some public newspaper in the city of Boston, of the time and place of sale, at least ten days before the same, and such sale shall be a legal transfer of

Assessment.

May sell shares.

the share or shares so sold to the purchaser, who shall be entitled to and receive a certificate or certificates of the share or shares by him so purchased accordingly.

Two may call a meeting.

SEC. 5. *Be it further enacted*, That any two of the persons named in this act may call the first meeting of said Corporation, by advertising the same in one or more of the newspapers printed in Boston, seven days at least before the time of meeting.

[Approved by the Governor, February 15, 1826.]

CHAP. LXIX.

An Act empowering Ezekiel Hale to open a Canal from Hale's Mills to Little River Bridge, in Haverhill.

May open canal.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said Ezekiel Hale, his heirs and assigns, owners of his said mills, be, and they are hereby authorized and empowered, within the term of four years from the passing of this act, to open and clear out the channel of the said Little River, from his said mills, about half a mile, to Little River Bridge, and to open and cut a navigable canal across the necks of land formed by the bends in said river, to make them sufficiently wide and deep, at common high tides, for timber-rafts and loaded gondolas to float freely therein, and also to build and construct a convenient tow-path on the easterly side of said river and canal, four feet wide at the top, for the same distance, for the purpose of towing boats and rafts up and down the said river and canal, and the same, hereafter, at all

times, to repair and maintain, use, occupy and enjoy, paying therefor in manner hereinafter prescribed, *Provided*, that all damages shall be ascertained, and paid to all persons interested, before said work shall be commenced.

Proviso. ¶

SEC. 2. *Be it further enacted*, That Hobart Clark, of Andover, John Varnum, of Haverhill, and Jesse Kimball, jun. of Bradford, Esq's. shall be commissioners to mete out and describe in writing, under their hands, the location of said canal and tow-path, and what culverts or sluices, under said tow-path, and other erections, shall be made, to secure the interests of the owners of land adjoining; first giving due notice to all persons whose rights may be affected thereby.

Commissioners appointed.

SEC. 3. *Be it further enacted*, That when the said Ezekiel Hale, his heirs and assigns, and the proprietors of any land or water, affected by said canal, tow-path, or clearing out of said river, cannot agree upon the damages which may be occasioned thereby, the Justices of the Court of Common Pleas, in said County of Essex, are hereby authorized and empowered, upon application of either party, after due notice given, to appoint three disinterested freeholders, in said County of Essex, whose appraisement of said damages, upon oath, being returned into said Court, and by them accepted, shall be final between the parties; *Provided, nevertheless*, that if either party shall be dissatisfied with the appraisement of said freeholders, and shall, at the same term of said Court, at which said report shall be made, or at the next term of said Court, apply to said Court for a trial by jury, alleging the deficiency or excess, as the case may be, of said damages, the said Court shall have power to determine the same by a jury at the bar of said Court; and if the verdict of said jury shall not give to the party applying, a more favourable decision, the Court shall award costs against the party applying; but if the verdict of said jury shall be more favourable to the party applying, the Court

Justices to appoint appraisers.

Proviso.

shall award costs in his favour; and in both cases, the judgment shall be made up agreeable to said report or verdict, so far as it respects the damages, with, or without, a deduction of the costs, as the case may require, and issue execution accordingly.

SEC. 4. *Be it further enacted*, That the said river, canal and tow-path, shall always be free for all persons to use the same, at pleasure, for the purposes aforesaid.

River, &c. to be
free.

[Approved by the Governor, February 15, 1826.]

CHAP. LXX.

An Act, in addition to an act, establishing the Barre Turnpike Corporation.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That the said Barre Turnpike Corporation, from and after the passing of this act, shall, and hereby are authorized to demand and receive, at their toll gate, on said turnpike road, the one half of the usual toll at one full gate, and no more.

Toll.

SEC. 2. *Be it further enacted*, That said Corporation be, and are hereby, authorized to erect one other half toll gate, on said turnpike road, any where from the westerly side of the bridge, by Isaac Tucker's dwelling house, in said Barre, and a town road crossing said turnpike road, and leading by the dwelling house of John Partridge, in said Barre, with the right to demand and receive the one half of the usual sum established by law, at one full gate and no more.

May erect gate.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXI.

An Act, in addition to an act, entitled "an Act for incorporating certain persons for the purpose of building a bridge over Connecticut River, in the County of Hampshire, between the towns of Northampton and Hadley, and for supporting the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors of the Northampton Bridge be, and they are, hereby, authorized and empowered to erect a bridge over Connecticut River, not less than twenty-six feet in width, any thing in the act to which this is in addition, to the contrary, notwithstanding.

May erect a bridge.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXII.

An Act to incorporate the Female Classical Seminary.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is, established, in the first parish of Brookfield, in the County of Worcester, an Institution, to be denominated the Female Classical Seminary, and that Eliakim Phelps, Micah Stone, Thomas Bond, Elisha Hammond, Jesse Bliss, Silas Henry, Henry Nolen, and Allen Newell, be, and they hereby are,

Persons incorporated.

May have a seal.

Proviso.

established, a body corporate, as Trustees of said Seminary ; and they and their successors shall continue a corporation, by that name, forever ; and shall have power to use a common seal, to make contracts, to sue and be sued, to hold and improve, for the purposes of said Corporation, all estates, real, personal, or mixed, which may at any time be appropriated to the objects of said Institution : *Provided*, the annual income of such property shall not exceed the sum of ten thousand dollars, and that they may prosecute and defend to final judgment and execution, all actions, real, personal or mixed, by the name of the Female Classical Seminary ; and may appoint an Agent, or Agents, to prosecute, or defend such actions.

Trustees to elect a Board of Visitors.

SEC. 2. *Be it further enacted*, That the Trustees may, within one year after the passing of this Act, elect, by ballot, a Board of Visitors, not to exceed nine in number, whose duty it shall be to attend at the quarterly examinations of said Seminary, and to do and perform all such other duties as shall devolve on them.

May choose officers.

SEC. 3. *Be it further enacted*, That said Trustees may elect a President, Vice-President, Secrêtary, and Treasurer, with such other officers as they may think proper. The Secretary to be under oath, and the Treasurer to give bonds, with sufficient surety or sureties, for the faithful discharge of their respective duties ; and said Trustees and also said Board of Visitors may, from time to time, enact such by-laws, rules, and regulations, for their respective bodies, as they may think proper. *Provided*, that the same be not inconsistent with the laws of this Commonwealth.

May elect Teachers.

SEC. 4. *Be it further enacted*, That said Trustees may, with the concurrence and consent of said Board of Visitors, elect such Teachers, and make such appropriations of money, or other property as the interest of the Seminary may require.

SEC. 5. *Be it further enacted*, That whenever any vacancy or vacancies occur in the said Board of Trus-

tees, or in the Board of Visitors, by death, resignation, or otherwise, such vacancies shall be filled by ballot, and each Board shall fill its own vacancies ; Vacancies filled. and whenever any member, of either Board, shall, by age, infirmity, or otherwise, become, in the judgment of a majority of both Boards, an improper member of such Board, such Board may declare the seat of such member vacant, and may forthwith proceed to fill such vacancy in the manner before provided.

SEC. 6. *Be it further enacted*, That the principal Instructor of said Seminary, shall, ex officio, be a member of the Board of Trustees, which Board shall, at no time, consist of more than nine members, five of whom shall always be necessary to constitute a quorum for the transaction of business.

SEC. 7. *Be it further enacted*, That Eliakim Phelps be, and he is, hereby, authorized, to appoint the time and place of holding the first meeting, of both Boards before named, by giving personal or written notice seven days at least before the said meeting. May hold meeting

[Approved by the Governor, February 15, 1826.]

CHAP. LXXIII.

An Act further to provide for the Payment of Costs in Criminal Prosecutions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the provisions of the act entitled, "an Act, in addition to an Act, further to provide for the payment of Costs in Criminal Prosecutions, passed the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, be, and the same

Law extended.

hereby are extended to the County of Suffolk, and the Justices of the Police Court within and for the City of Boston as effectually as if said County and said Justices had been named therein—excepting the provision for the examination and allowance by the Court of Common Pleas, of the costs therein named.

Proviso.

SEC. 2 *Be it further enacted*, That the costs that heretofore have arisen since the passage of the act aforesaid or may hereafter arise, in the County of Suffolk, provided for by this act, shall be certified to the Board of Accounts for said City and County, and said Board of Accounts shall adjust, liquidate, examine, allow and certify the same, as is their duty in relation to other costs in Criminal Prosecutions. *Provided, however*, that no costs arising on any prosecution for a violation of any by-laws of the City of Boston, or any town in this Commonwealth, shall hereafter be allowed or paid under the provisions of this act, or an act passed on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, to which this is in addition, entitled, “An Act in addition to an Act, further to provide for the Payment of Costs in Criminal Prosecutions.”

[Approved by the Governor, February 15, 1826.]

CHAP. LXXIV.

An Act in addition to an Act, entitled, “An Act regulating the taking of Fish in the town of Bridgewater, in the county of Plymouth.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and

after the passing of this act, it shall not be lawful for the Town of Bridgewater, or the Inhabitants thereof, to catch the fish called Shad and Alewives in Titicut River, so called, which forms the boundary line between the said town of Bridgewater and the town of Middleborough, below the point where Nemasket River empties into the said Titicut River, or within twenty rods above that point; any thing in the act to which this is in addition to the contrary notwithstanding.

May not catch
fish.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXV.

An Act to incorporate the Springfield Card Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Carrew, Walter H. Bowdoin, Israel Phillips, jun. and William Bowdoin, jun. with such others as have already associated, or may hereafter associate, with them, their successors and assigns, be, and they hereby are, made a Corporation, by the name of the Springfield Card Manufacturing Company, for the purpose of making and vending, in the town of Springfield, and County of Hampden, various descriptions of machine and other cards, and the machinery for making the same; and for that purpose shall have all the powers and privileges, and be liable to all the duties and requirements, contained in an act, entitled "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord,

Persons incorporated.

one thousand eight hundred and nine, and the several acts in addition thereto.

May hold real &
personal estate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding, in value, thirty thousand dollars, and such personal estate, not exceeding, in value, fifty thousand dollars, as may be convenient for carrying on the manufactures and business aforesaid.

Meeting to be
called.

SEC. 3. *Be it further enacted*, That any one, or more, of the persons abovenamed, may call the first meeting of the members of said corporation, at such time and place as they may see fit to appoint, by advertising the same, three weeks successively, in any newspaper, printed in Springfield, in the County of Hampden, for the purpose of choosing officers, and making by-laws, for regulating the concerns of said corporation.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXVI.

An Act to discontinue a part of the location of the Worcester Turnpike Road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from, and after, the passage of this act, so much of the location of the Worcester Turnpike as was over the old road, or ancient highway, in the town of Roxbury, be discontinued and annulled; and that the easterly end of said turnpike shall, hereafter, be at the Arch, in Brookline, where said turnpike road leaves the ancient highway: *Provided*, that

Provide.

the said Turnpike Corporation pay to the said town of Roxbury the sum of two hundred and fifty dollars, on, or before, the first day of May next.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXVII.

An Act to incorporate a number of the inhabitants of the Town of Salem, in the County of Essex, into a Society, by the name of the Second Baptist Society in Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Robert Upton, Michael Webb, jun. Thomas Perkins Pingree, Nathan Putnam, Thomas Doyle, William Stickney, Thomas Gwinn, Samuel Simonds, Peter Ames, Ebenezer Perkins, Abraham Kimball, Winthrop Sargent, Stephen Fogg, Samuel Webb, jun. with such other persons as shall associate, and become interested, with them, in manner hereinafter mentioned, be, and they hereby are, incorporated and made a body politic, by the name of The Second Baptist Society in Salem.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That the said corporation may purchase, and hold the lot of land in Salem aforesaid, whereon they have lately built a meeting-house, and such other estate, real and personal, as the corporation shall determine to own; *Provided,* that the annual income of the whole estate of the corporation, besides the meeting-house and land under it, shall not exceed three thousand dollars. And the said corporation may sue and be sued, by its corporate name, may make and use a

May purchase
land, &c.

Proviso.

May have a seal,
make by-laws, &c.

Proviso.

Powers granted.

common seal, and break or alter it at pleasure, may make any by-laws for the government thereof, and for the management of the corporate property, that a major part of the members present (calculating according to their respective interests) shall think for the best; *Provided*, the same are not contrary to the constitution and laws of this Commonwealth; and is invested with all the powers, privileges and immunities, to which other religious societies, in this Commonwealth are entitled by law.

SEC. 3. *Be it further enacted*, That the property of the several members of the said corporation, for the time being, shall be calculated according to their respective rights and interests in the pews of the meeting-house, lately built, as aforesaid, at the valuation thereof which hath been made; and all persons who shall become proprietors, or interested in said pews, shall be deemed to have associated with, and shall become members of this corporation, according to their respective interests in such pews.

Empowered to
assess, &c.

SEC. 4. *Be it further enacted*, That the said corporation are hereby authorized to raise, by an assessment on the pews in the said meeting-house, such sum and sums of money, for the settlement and maintenance of a minister or ministers, for the purchase of said lot of land, for the building up and repairing the meeting-house, and for defraying the other expenses of public worship, with incidental charges, as the members of the same shall agree on, at any legal meeting, to be called for that purpose, according to the said valuations; and the sums so assessed shall be paid by the respective proprietors of such pews; and if any proprietor of such pew, shall neglect to pay any assessment, which shall be legally made thereon, as aforesaid, for one year after the same shall have been made, the treasurer of said corporation, for the time being, shall be authorized and empowered to sell and convey all the estate, share and interest, of such delinquent proprietor, in

the said corporation, at public auction, first giving notice thereof, fourteen days, at least, previous to the sale, at two of the doors of said meeting-house; and upon such sale to execute a good and sufficient deed, or deeds, thereof, to the purchasers; and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the sale was made, and all incidental costs and charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

SEC. 5. *Be it further enacted,* That Robert Upton, Samuel Webb, jun. and Michael Webb, jun. be, and hereby are, authorized to call the first meeting of the members of this corporation, by publishing a notice on the doors of the meeting-house, requiring them to meet, at such time and place as shall be therein setforth, to choose a moderator, and a clerk, (who shall be duly sworn,) a treasurer, and a committee, and such other officers as they shall judge necessary; and the moderator of that, and all future meetings, shall have power to administer the oath of office to the clerk, and the committee appointed at that, or any other meeting of said proprietors, legally called for that purpose, shall have power and authority to assess and apportion, on the pews in said meeting-house, all such sum and sums of money, as the members of said corporation shall lawfully agree to raise; and shall also be authorized to execute and deliver, in the name and behalf of said corporation, deeds of the pews in said meeting house.

To call first meeting.

May choose moderator, &c.

Moderator may have power.

SEC. 6. *Be it further enacted,* That the annual meeting of this corporation, shall be holden on the first Monday in January, of every year; which meeting shall be called by order of the committee, requiring the proprietors' clerk to publish a notice of the same, on the doors of the meeting-house, the day previous thereto. And upon the petition of any ten members of this corporation, to the committee, that a special meeting be called, of the members, it shall be their duty to issue their warrant to the

Annual meeting, when held, &c.

proprietors' clerk, requiring him to call said meeting, giving, at least, seven days notice, on the doors of said meeting-house, and directing the time and place where such meeting shall be held.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXVIII.

An Act to regulate the Passage ways for Fish in Ipswich River, within the town of Ipswich

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That instead of the passage-ways now required by law to be kept open at Warner's Mill-dam, and the dam at Farley's mill, in Ipswich, the owners of said dams, their successors and assigns, shall make and continue in good repair a Fish-way over said dams, at the northerly end of the same, of the following description and dimensions:—said fish-ways to be made either with wood or stone, beginning at the top of the dams, five feet in width and one foot in depth, and to admit of not less than six inches of water over the dam into said ways, and thence running down stream twenty feet and terminating at seven feet in width, with stoppers on each side, of plank or stone, running not more than half way across said passage-ways, within two feet of each other; and said head shall be kept open and in good repair at all times from the tenth day of April to the first day of June, in each year.

Description, &c.
of fish-ways.

SEC. 2. *Be it further enacted,* That so long as the owners of said dams shall keep open said course or passage ways, and in good repair, in manner aforesaid, they shall not be subject to any

Exempt from penalty, &c.

of the penalties or restrictions of any law regulating the passage of Fish in Ipswich River.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXIX.

An Act to incorporate the New England Glass Bottle Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Deming Jarvis and Edmund Munroe, together with such other persons as may become associates with them, their successors and assigns, be, and they are hereby made a corporation by the name of The New England Glass Bottle Company, for the purpose of manufacturing black and green glass ware in the city of Boston and the town of Cambridge, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an act defining the general powers and duties of Manufacturing Corporations" and the several acts in addition thereto.

Persons incorporated.

Powers, privileges, &c.

SEC. 2. *Be it further enacted,* That the said Corporation may hold and possess such real estate not exceeding in value one hundred thousand dollars, and such personal estate not exceeding three hundred thousand dollars, as may be necessary and convenient for carrying on the business of making black and green glass ware.

May hold real and personal estate.

SEC. 3. *Be it further enacted,* That either of the persons named in this act, be, and he is hereby au-

First meeting.

thorized to appoint the time and place of holding the first meeting of said Corporation, and notify each of the members thereof, either by personal notice or otherwise, seven days at least before the time of holding the first meeting.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXX.

An Act to prevent the going at large of Neat Cattle on the Province Lands, in the county of Barnstable, and for other purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons, to suffer any Neat Cattle, Horses, or Sheep, to go at large on the Province Lands and Beach in the county of Barnstable, or to cut any beach-grass, brush, or wood thereon, or to pull up any roots of shrubs, trees, or beach-grass therefrom.

Fine.

SEC. 2. *Be it further enacted*, That if any person or persons shall violate the provisions of this act, each person so offending, for each and every such offence, shall, on conviction thereof, pay a fine not exceeding ten dollars, nor less than five dollars, to be recovered, the one half to him or them who shall sue for the same, and the other half to the town of Provincetown, by action of debt in any court proper to try the same.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXI.

An Act to incorporate the Trustees of the New England Conference of the Methodist Episcopal Church.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That Edward Hyde, Joseph A. Merrill, Solomon Sias, Timothy Merritt, and Ebenezer Blake, be, and they hereby are nominated, and appointed Trustees, and incorporated into a body politic, by the name of the Trustees of the New England Conference of the Methodist Episcopal Church, and they and their successors in office, shall be and continue a body politic by that name forever. And the number of Trustees shall never exceed nine, nor be less than five, a majority of whom shall form a quorum, but a less number may adjourn from time to time.

Persons incorporated.

Number of Trustees.

2nd Sept. 1826
1965 285

SEC. 2. *Be it further enacted,* That all lands, monies, or other property, heretofore given to the New England Conference, or which may hereafter be given, granted or assigned to the said Conference, or the Trustees thereof, shall be confirmed to the said Trustees and their successors in that trust forever, for the purposes which, in the instruments of conveyance are, or shall be expressed. And the said Trustees shall be capable of having, holding and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate real or personal: *Provided,* that the net annual profits thereof shall not exceed six thousand dollars.

Proviso.

SEC. 3. *Be it further enacted,* That the said Trustees for the time being, shall have full power to determine and fill all vacancies which may happen by death, resignation, incapacity, or otherwise, so as to keep up at least the number of five Trustees forever: *Provided,* that no person shall be eli-

Trustees have power.

Proviso.

gible to, or sustain the office of Trustee, who is not a regular member of the said Conference ; to fix the times and places for holding their meetings, the manner of notifying the Trustees, the method of filling vacancies, and to make such by-laws as they may think proper, for the management of their concerns : *Provided*, the same be not repugnant to the laws of this Commonwealth.

Proviso.

SEC. 4. *Be it further enacted*, That the Trustees aforesaid may have a common seal, which they may change at pleasure ; and all deeds sealed with said seal, acknowledged and delivered by the Treasurer of said Trustees, with all notes, bonds, and other instruments signed by him according to their order, shall be good and valid in law. And the said Trustees may sue and be sued, in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the New England Conference of the Methodist Episcopal Church.

May have a seal.

SEC. 5. *Be it further enacted*, That Solomon Sias, be, and he hereby is authorized and empowered to appoint the time and place for holding the first meeting of the said Trustees, and to notify them thereof, by publishing the same in Zion's Herald, at least thirty days before the time of meeting.

First Meeting.

SEC. 6. *Be it further enacted*, That any or all the foregoing articles and provisions of this act may be altered, amended or repealed, by the Legislature of this Commonwealth, at their will and pleasure.

Legislature may alter, &c.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXII.

An Act in addition to an Act to incorporate the
Ware Manufacturing Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Ware Manufacturing Company be, and they hereby are empowered to increase their present Capital stock, by the addition of any sum or sums not exceeding in the whole, the further sum of three hundred thousand dollars. The whole capital stock of said company, being at no time to exceed the sum of six hundred thousand dollars.

May increase
Stock.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXIII.

An Act to Incorporate the Enfield Manufacturing
Company.

SEC. 1. BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That David Smith and Alfred Smith, with such others as have already associated or may hereafter associate with them, their successors and assigns, be, and they hereby are, made a corporation by the name of The Enfield Manufacturing Company, for the purpose of manufacturing cotton and woollen yarn or cloth, and vending the same, and of manufacturing and vending implements and machinery useful in the making of such yarn or cloth, in the town of Enfield, and county of Hampshire, and for those purposes shall have all the powers and privileges, and be liable to all the duties and requirements, con-

Persons incorpo-
rated.

Powers granted.

tained in an act, entitled "an act defining the general powers and duties of Manufacturing Corporations, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

May possess real
and personal es-
tate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate not exceeding in value fifty thousand dollars, as may be convenient for carrying on the business and manufactures aforesaid.

First meeting.

SEC. 3. *Be it further enacted*, That any one or both of the persons abovenamed, may call the first meeting of the members of the said Corporation, at such time and place as they shall see fit to appoint, by giving twelve days previous written notice thereof to each of said members, or by publishing the same three weeks successively in any newspaper printed in Northampton, in the county of Hampshire, for the purpose of making by-laws to regulate the concerns, and choosing officers of said Corporation.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXIV.

An Act for the erecting of another building within the limits of the State Prison, in Charlestown, and for the better government thereof.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That there shall be erected within the limits of the State Prison yard, in Charlestown, in the County of Middle-

sex, a building of unhammered stone, adapted to the separate confinement of three hundred convicts, upon such plan as shall be first approved by His Excellency the Governor, by and with the advice and consent of the Council, and that it shall be the duty of the Warden of said State Prison to prepare the plan, make the necessary contracts, and personally superintend the erection and completing of the same.

Building to be erected.

SEC. 2. *Be it further enacted*, That in addition to the money now in the hands of the Warden of said Prison, or which may accrue from the labor of the convicts beyond the amount necessary for defraying the current expenses of said prison, there be, and hereby is, appropriated, for erecting said building, the sum of five thousand dollars, and that His Excellency the Governor, by and with the advice of Council, be, and he hereby is, authorized and requested to draw his warrant on the Treasury of this Commonwealth, for the same, in such sums, and at such times as the same may be required.

Money appropriated.

SEC. 3. *Be it further enacted*, That the compensation allowed, by law, to the Directors, Warden, Chaplain, Physician, and Keeper of said State Prison shall, hereafter, be paid to those officers, respectively, by the Warden, out of the funds of the prison, in his hands, and be allowed in the settlement of his accounts.

Warden to pay salaries.

SEC. 4. *Be it further enacted*, That if any officer, contractor, teamster, boatman, truckman, or wagoner, employed in, or about, the said State Prison, or any other person, shall deliver or cause to be delivered, or have in his, or her, possession, with intent to deliver, to any person, under sentence of confinement, in said prison, or shall deposit or conceal in any of the yards or wharves of said prison, or in any cart, team, sled, boat, or other vehicle, going into the premises of said prison, any article, of any kind, with intent and design that any convict therein should obtain the same, without the knowledge and consent of one of the Directors, or

Officers, &c. liable.

the Warden, of said prison, every person so offending shall be liable to indictment before any court, competent to try the same, and, on conviction thereof, shall be sentenced to confinement, to hard labor, in said prison, or to confinement in the County Gaol for a term not exceeding two years, or be fined a sum not exceeding five hundred dollars, at the discretion of the court before whom such conviction shall be had.

Convicts to be in
classes.

SEC. 5. *Be it further enacted*, That the convicts, in said State Prison, shall, hereafter, be arranged into classes, as the Directors shall, from time to time, order and appoint, and may be let out to service to such person, or persons, and for such term of time, not exceeding three years, as the Directors may deem most advantageous to the prison.

Contracts to be
advertised.

SEC. 6: *Be it further enacted*, That all contracts for the supply of any articles for the use of the prison, shall, annually, be advertised for, and commenced, at such time as the Directors may deem proper.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXV.

An Act in addition to an Act, establishing the second precinct in Attleborough.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That no person shall hereafter become a member of said second precinct so that he be entitled to vote in any precinct meetings therein, unless such person shall have six months previously to any such meeting, signified his intention, in writing, of becoming a

member of said Corporation, and lodge a certificate with the Clerk thereof.

SEC. 2. *B: it further enacted*, That the Clerk of said second precinct shall at all times keep a correct list of all the members of said Corporation, and once in each year lay a true copy of the same before the said Corporation, at their annual meeting.

Clerk to keep list.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXVI.

An Act discharging the third New Hampshire Turnpike Road Corporation from their liability to maintain part of their road.

BE *it enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Third New Hampshire Turnpike Road Corporation be, and they are, hereby, forever discharged from their liability to maintain and keep in repair all that part of said Turnpike Road which lies in the town of Townsend, in the county of Middlesex; any thing in their act of incorporation to the contrary notwithstanding.

Not liable to repair road.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXVII.

An Act to incorporate the First Universalist Society
in Plymouth.Persons incorpo-
rated.

Powers granted.

May hold estate.

Poviso.

Taxes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Brown, Daniel Jackson, jun. John Gooding, James Bradford, William M. Jackson, Caleb Rider, Isaac Bartlett, Finney Leach, and all other persons who now are, or hereafter may be, associated with them, and their successors, shall be, and hereby are created and established as a religious society and body corporate and politic, by the name of the first Universalist Society in Plymouth, and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers and immunities, to which parishes and other religious societies are by the constitution and laws of this Commonwealth entitled, and shall have authority to take, hold and possess, by grant, gift, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship, and other religious parochial and charitable purposes, not exceeding the annual income of five thousand dollars, and shall also have authority to choose all such officers, and make all such by-laws and regulations as may seem expedient for the due government of said society, and the management of their funds and other parochial concerns: *Provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said society shall also have power, at their annual meeting, to assess all such taxes as may be necessary and proper for the maintenance of public worship, the repairs and preservation of the Church and all other parochial charges and expenses, and shall also have power to determine the mode of assessing said taxes, either upon the pews in the church of

said society, according to their relative value to be ascertained by the first sale of each pew, or upon the real and personal estate of the individual members of said society, and upon their rateable polls, in the same manner and with equal power for collecting the same, as is by law allowed for assessing and collecting similar taxes. And whenever it may be determined to assess the taxes on the pews, the taxes so assessed, shall be a lien on the pews respectively, and in case of the non payment of the taxes so assessed for the space of two years from the time of assessing the taxes, the pew or pews, upon which the tax or taxes shall have been assessed shall be forfeited to the society, and may be sold at public auction in such manner as the society may by their by-laws and regulations provide, and the net proceeds of the said sale, after deducting the amount of taxes due thereon, with the charges of sale, shall be paid to the proprietor of the pew, so sold, or to his assigns, and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title as purchaser thereof.

Pews may be sold.

SEC. 3. *Be it further enacted*, That there shall be an annual meeting of said society, either in the month of April or May, in every year, at which meeting the society shall have power to raise all such sums of money as shall be needed for the purposes before mentioned, and may choose their officers, who shall hold their offices during one year, and until others are elected in their stead.

Meeting to be held.

SEC. 4. *Be it further enacted*, That the first meeting of this society, may be called by either of the persons named in this act, by an advertisement in the Old Colony Memorial, a newspaper printed in Plymouth, seven days before the time of holding such meeting, and at such meeting, all business may be transacted which should be done at any annual meeting, and all proceedings may be had to organize said society, and to carry into effect all the powers given to said society in this act.

Notice of meeting.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXVIII.

An Act continuing the Massachusetts Charitable
Mechanic Association.

Act extended.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Massachusetts Charitable Mechanic Association, incorporated by an act, entitled "an act to incorporate Jonathan Hunnewell, and others," shall and may remain a Corporation during the pleasure of the Legislature, from and after the time limited for the continuation of said Corporation, by an act passed on the twenty-sixth day of February, one thousand eight hundred and fourteen, with the same powers and privileges it now enjoys, excepting that its personal and real estate may amount to one hundred thousand dollars, and that it may establish schools and libraries for the use of apprentices, and the improvement of the arts.

[Approved by the Governor, February 15, 1826.]

CHAP. LXXXIX.

An Act providing further remedies for Landlords
and Tenants.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That where the tenant and occupant of any house or tenement, shall hold such house or tenement without right, and after notice in writing to quit the same; whoever has the right of possession thereof, may summon

such tenant or occupant to answer to his complaint before the Justices' Court of the County of Suffolk, if such house or tenement be within the County of Suffolk, and before any Justice of the Peace for any other county wherein such house or tenement may be; the form of which summons shall be as follows: the same being suitably altered, when it is returnable before the Justices' Court of the County of Suffolk.

S—ss. To the Sheriff of the said county, or either of his Deputies, or the Constables of the town of —, within the said county, or to any or either of them, Greeting :

Form of summons.

In the name of the Commonwealth of Massachusetts, you are required to summon A—B—, of C—, aforesaid, (addition) (if he may be found in your precinct) to appear before me, D—E—, esquire, one of the Justices of the Peace for the county aforesaid, at my dwelling-house in—, in said county, on—the—day of—, at—of the clock in the—noon; then and there to answer to the complaint of F—G—, of—, in—, (addition) wherein said F—G—complains, that said A—B—, on the day of the date hereof, is in possession of [the premises demanded] without law, and against the right of the said F—G—, as shall then and there appear. Hereof fail not: and make due return of this writ, and of your doings therein, unto myself, at or before the said time or day of trial. Dated at—aforesaid, the—day of—, in the year of our Lord —: Which summons shall be served at least seven days before the return day thereof, by the officer to whom it is directed, by reading the same, in the hearing and presence of the tenant or occupant therein named, or by leaving a true copy thereof, upon the demanded premises. If the complainant shall duly enter such writ, and the defendant neglect to appear and answer thereto, or if the defendant shall duly appear and answer, and after issue joined, it shall be considered by the

Summons to be served.

Court, trying the same, that the complainant hath sustained his complaint, then judgment shall be rendered, that the complainant have possession of the demanded premises, and for his costs; and thereupon the complainant shall have the writ of *facias habere possessionem*, provided in the twenty eighth chapter of the Statute of this Commonwealth, Anno Domini seventeen hundred and eighty-four; the same being so far altered as the case may require. And if, after issue joined, it shall be considered by the said Court that the complainant hath failed to sustain his complaint, then the defendant shall have judgment that the complaint be dismissed, and for his costs; and shall have execution accordingly.

May appeal.

SEC. 2. *Be it further enacted*, That any party aggrieved by the judgment of any Court, in any action brought upon this statute, where both parties have appeared and pleaded, may appeal therefrom to the next Court of Common Pleas, to be held within the same county; and the complainant shall, before his appeal is allowed, recognize, with sufficient surety or sureties, in such reasonable sum as the Court shall order, to pay all intervening damages and costs, and to prosecute his appeal with effect; and the defendant shall, before his appeal is allowed, recognize, with sufficient surety or sureties, in such reasonable sum as the Court shall order, to pay all rent due and in arrears, and all intervening rent, damages and costs; and each party appealing shall be held to produce a copy of the whole case, at the Court appealed to; and both parties shall be allowed to offer any evidence at the trial at the Common Pleas, in the same manner as if the cause had been originally commenced there. And the Court of Common Pleas shall, whenever any appellant thereto shall fail to prosecute his appeal, or if he shall neglect to produce a copy of the case, affirm the former judgment upon the appellee's complaint, and award such additional damages and costs as have arisen in consequence

Damages may be awarded.

of the said appeal; and execution shall issue accordingly.

SEC. 3. *Be it further enacted*, That when in any action brought upon this statute, the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title to the freehold of the demanded premises in question. And when the defendant, in any such action, shall plead the title of himself, or any other person, to the freehold of such demanded premises in justification, the Court shall thereon order the defendant to recognize to the adverse party in a reasonable sum, with sufficient surety or sureties, to enter the said action at the next Court of Common Pleas, to be holden within the same county, and to prosecute the same with effect, and to pay all rent due and in arrears, and all intervening rent, damages and costs; and if the defendant shall refuse so to recognize, the Justice shall render judgment against him in the same manner as if he had refused to make answer to the suit: And either party in such case, shall be allowed to appeal from the judgment of the Court of Common Pleas, in the same manner as if the suit had been originally commenced there: *Provided*, that when the defendant so pleads and recognizes, and the Justice, or Justices of the Court of Common Pleas, or of the Supreme Judicial Court, holding the Court to which the case is removed or appealed, shall, either upon default of the defendant to enter his case therein, or upon trial of the same, certify, that in his or their opinion, such plea was frivolous, and pleaded for the purpose of delay, then the complainant shall have judgment for treble damages and costs.

Defendant to recognize.

Proviso.

SEC. 4. *Be it further enacted*, That from and after the first day of July next, all leases at will and tenancies at sufferance, of any lands or tenements within this Commonwealth, may be terminated by either party, after giving to the other party three months notice; and where the rent for

such lands and tenements is due and payable more frequently than quarterly, the notice shall be sufficient if it be equal to the interval between the times of payments thereof: *Provided nevertheless*, that in all cases of neglect, or refusal, to pay the rent due and in arrear, fourteen days notice to the tenant or occupant shall be sufficient: *And provided further*, that nothing in this act contained, shall prevent landlords from pursuing their rights and remedies, by the common and statute law as now existing in this Commonwealth.

Proviso.

SEC. 5. *Be it further enacted*, That where the lessors or grantors of any estate of freehold or term of years, or their executors, administrators, or assigns, shall be entitled to recover any annual rent, against the lessees or grantees of any such freehold or term of years, their executors, administrators, heirs, grantees, or assigns, by virtue of any reservation, in any deed or lease, or other contract (whether such deed, or lease, or contract, contain a clause of distress or re-entry for nonpayment of such rent or not) may have and maintain an action of indebitatus assumpsit therefor, upon an account annexed, in which shall be summarily set forth the date of the deed, lease or other contract, and the premises out of which, or for which, and also at what time, such rent became due and payable. And such action may in all cases be brought and tried in the same Court, in which any other action of assumpsit might be brought for the like sum. And the defendant in any such action may give in evidence, under the general issue, any payment or other matter of defence, showing that the sum demanded, or any part thereof, is not due; and may also set off against the said rent, any demand which he may have against the plaintiff, in the same manner as in any other action of assumpsit.

May maintain action.

[Approved by the Governor, February 15, 1826.]

CHAP. XC.

An Act authorizing Senators and Representatives to administer Oaths and Affirmations in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That members of the Senate and the House of Representatives, while acting as Chairmen of Committees of the Legislature, be, and hereby are authorized to administer Oaths and Affirmations to such witnesses as shall be examined before the Committees to which they belong.

Senators and Representatives to administer oaths.

[Approved by the Governor, February 15, 1826.]

CHAP. XCI.

An Act to incorporate the Proprietors of Butler's Row, in the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John P. Thordike, David Greenough, and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Butler's Row; and the said Corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and renew, at pleasure, to make rules and by-laws for the regulation and management of the estate hereinafter described,

Persons incorporated.

May have a seal

consistent with the laws of this Commonwealth; and generally, to do and execute whatever by laws do, or may appertain to bodies politic and corporate, within the meaning and intent of this act.

May hold certain estate.

Proviso.

SEC. 2. *Be it further enacted*, That the Corporation be, and the same hereby is declared and made capable in law, to have, hold and possess, by fee simple, lease hold, or otherwise, all that certain real estate, situate in said Boston, bounded as follows: Westerly on Merchants row, ninety feet; Northerly, on a new street, forty feet wide, there measuring two hundred and eighty eight feet; Easterly, on land of the proprietors of Long Wharf, forty five feet; Southerly, on a twelve feet passageway and land of the heirs of Tuttle Hubbard, two hundred and eighty feet more or less; together with all the rights, privileges and appurtenances thereof: *Provided*, the lawful proprietors thereof shall legally convey the same to said Corporation; and the said Corporation shall have power to sell, grant and alien in fee simple, or otherwise convey, their corporate property, or any part thereof, within said described limits; and to lease and manage, and improve, build, rebuild, pull down, or alter the same, according to their will and pleasure, by such forms of conveyances and contract as shall by their laws be provided, in conformity to the laws of this Commonwealth.

Share to be considered as personal estate.

SEC. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the forms of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the Clerk of the Corporation, in a book to be kept for that purpose; and shall be liable to attachment on mesne process, and sale on execution, in the manner, and according to the form of the statutes making provision for the

attachment of sales of shares of debtors in corporate companies.

SEC. 4. *Be it further enacted*, That the real estate and other property of said Corporation, shall be liable to be attached on mesne process, and be set off and sold on execution, against the Corporation, in the same manner as the property or estate of individuals, is by law subject to mesne or final process, and the said Corporation shall possess the right in equity of redeeming the same, appertaining (by the laws of this Commonwealth) to other real estate.

Estate may be attached.

SEC. 5. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess such sums of money, as, at a legal meeting, held and notified for that purpose, may be deemed necessary, for building, or rebuilding, repairing, or altering any buildings whatever, on the land within said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this act; and in case any proprietor shall neglect or refuse to pay any assessment so laid, the said Corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public auction, after ten days notice, in a public newspaper, printed in Boston, to the highest bidder; and, after deducting the amount assessed and unpaid, together with the charges of sales and advertisement, the surplus (if any) shall be paid over to such proprietor; and the purchaser of such share or shares, shall be entitled to receive a certificate of the share or shares by him purchased accordingly.

Shares may be sold.

SEC. 6. *Be it further enacted*, That in all meetings of the members of said Corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share, by him held in said Corporation: *Provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third in value of the corporate property. Proprietors may appear and act at any meeting, by proxies in writing.

Provided.

May call meet-
ing.

SEC. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said Corporation, by advertisement in any newspaper printed in Boston, three times, the first not to be less than six days before the time appointed for such meeting; and the Corporation, at their first meeting, and afterwards, annually, on such days as shall be established by the by-laws, may choose a President, Clerk, and such other Directors or officers, as they may see fit, for conducting their corporate affairs and estate; the Clerk to be sworn before entering on the duties of his office.

Individual re-
sponsibility.

SEC. 8. *Be it further enacted*, That all covenants, contracts and debts, which shall be made by said Corporation, shall be binding on each one and all those persons who shall be stockholders in said Corporation, when such covenants or contracts respectively are made, and their respective heirs, executors and administrators, in the same manner as if such covenants or contracts had been made by such stockholder or stockholders, in his or their individual capacity; and whenever any proprietor or stockholder shall pay any sum of money for the covenants, contracts, or debts of said Corporation, said proprietor or stockholder, shall have the right to recover from each proprietor or stockholder, their proportion of the money by him paid, according to the shares held by them respectively.

Proviso.

SEC. 9. *Be it further enacted*, That this act shall continue in force twenty years from the passing thereof, after the expiration of which term, the same may be repealed at the pleasure of the Legislature: *Provided*, that in case of said repeal, the lands and tenements of said Corporation, shall be vested in the share holders, at the time of such repeal, and their heirs, as tenants in common, in proportion to their respective interest in the premises.

[Approved by the Governor, February 16, 1826.)

CHAP. XCII.

An Act regulating Appeals in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever the plaintiff, in any civil action, shall hereafter appeal from a judgment of a Justice's Court, rendered in his favor, and shall not recover a greater sum at the court appealed to, he shall be allowed one-quarter part as much cost as damage, and no more.

Amount of cost to
be recovered.

[Approved by the Governor, February 22, 1826.]

CHAP. XCIII.

An Act to incorporate the Salem Society for the Moral and Religious instruction of the Poor, in the town of Salem, in the county of Essex.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Asahel Huntington, Esq. Doctor Joseph Torrey, Ezekiel Savage, Theodore Eames, and Joseph Howard, Esq's. all of Salem, in the county of Essex, with those who may be associated with them, and their successors, be, and hereafter are, incorporated and made a body politic, by the name of The Salem Society, for the Moral and Religious instruction of the Poor, for the purpose of furnishing means of useful knowledge and moral improvement to the poor and ignorant in said town of Salem, who may be otherwise destitute of such instruction, and

Persons incorpo-
rated.

May have seal.

May hold real
estate. —

also for establishing and patronizing Sabbath and other schools, for the promotion of religion and virtue in the rising generation; and the society aforesaid may have a common seal, and may purchase and receive, by gift, devise, or otherwise, lands, tenements, and real estate of any kind, and the same to hold in fee simple or otherwise, and also subscriptions, donations, and bequests of money or other personal estate, the annual income of which shall not exceed two thousand dollars.

Elect officers.

May make by-
laws, &c.

SEC. 2. *Be it further enacted,* That the said society may annually elect by ballot, by a majority of the members present, a President, Vice President, Treasurer and Secretary, and such number of Trustees as they may think proper, so that there be not less than five, and such other officers as may be found needful; and may, at their first meeting, under this act of incorporation, by a vote of the majority of the members present at such meeting, make and adopt such constitution or system of rules and by-laws, as they may think proper, not repugnant to the constitution and laws of this Commonwealth, for the conducting and executing the business of said society, and for the more effectually securing the objects of their institution; which constitution shall not be altered, but in the manner therein provided.

May sue and be
sued, &c.

SEC. 3. *Be it further enacted,* That the society aforesaid shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer by the name and title aforesaid.

Treasurer to
make a statement
of the funds.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Treasurer, at every annual meeting for the choice of officers for this society, to exhibit an account of the state of the funds, which account shall be previously examined and certified by a committee of the Directors, appointed by the board for that purpose.

First meeting.

SEC. 5. *Be it further enacted,* That Ezekiel Savage, Esq. be, and he is hereby authorized to call the first meeting of said Society in their

corporate capacity, by publishing a notification in one of the newspapers printed in Salem, ten days before the time therein appointed.

[Approved by the Governor, February 22, 1826.]

CHAP. XCIV.

An Act in addition to an act, entitled "An Act empowering the Centre School District, in the town of Worcester, to raise money."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the inhabitants of said Centre School District, in the town of Worcester, are hereby authorized and empowered to determine, at any legal meeting, in what manner future meetings of said inhabitants shall be warned.

Inhabitants of the district to determine how meetings shall be held.

SEC. 2 *Be it further enacted,* That Samuel M. Burnside, William Eaton and John W. Lincoln, or either two of them, be, and they hereby are, authorized to warn the next meeting of the inhabitants of said school district, by posting up, at each of the four public meeting houses within said town of Worcester, a notification, expressing therein the time, place, and purpose of the meeting, fourteen days, at least, before the time appointed for holding the same.

Persons appointed to warn meeting.

[Approved by the Governor, February 22, 1826.]

CHAP. XCV.

An Act to incorporate the Lynn Printing Company.

Persons incorp-
rated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jeremiah Fitch, William Tileston and John Hall, their associates, successors and assigns, be, and they hereby are, made a corporation and body politic, by the name of the Lynn Printing Company, for the purpose of printing, dying, and bleaching, cotton, woolen, silk and other fabricks, in Lynn, in the County of Essex, and for this purpose, that they shall have all the powers and privileges, and be subject to all the duties and requirements contained in the act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, "entitled an act defining the general powers and duties of manufacturing Corporations," and the several acts in addition thereto.

May possess real
and personal es-
tate.

SEC. 2. *Be it further enacted*, that the said Corporation may purchase, become lawfully seized and possessed of real estate, to the amount of eighty thousand dollars, and personal estate, to the amount of one hundred and fifty thousand dollars, and hold and manage such real and personal estate, as they shall find necessary and convenient for carrying on their business, not exceeding the value of two hundred and thirty thousand dollars.

One person may
call Meeting.

SEC. 3. *Be it further enacted*, That any one of the persons mentioned in this act, be, and he is hereby authorized to appoint the time and place for holding the first meeting of the Corporation for the organization of the same, and other purposes, and to notify the other persons mentioned in this act, and their associates, either personally or otherwise, at least ten days before said meeting.

[Approved by the Governor, February 22, 1826.]

CHAP. XCVI.

An Act to incorporate the Newton Theological Institution.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and hereby is, established, in the town of Newton, and in the county of Middlesex, an institution for the purpose of educating pious young men, for the Gospel Ministry, in such manner as the Trustees, for the time being, shall direct; and that Joseph Grafton, Lucius Bolles, Daniel Sharp, Jonathan Going, Bela Jacob, Ebenezer Nelson, Francis Wayland, jun. Henry Jackson, Ensign Lincoln, Jonathan Bacheller, and Nathaniel R. Cobb, be nominated and appointed Trustees; and they are, hereby, incorporated into a body politic, by the name of The Trustees of the Newton Theological Institution; and they, and their successors, shall be, and continue, a body politic, by that name, forever.

Persons incorporated.

SEC. 2. *Be it further enacted,* That all lands, monies, or other property, heretofore given or subscribed, for the purpose of erecting or establishing an institution as aforesaid, or which shall hereafter be given, granted, or assigned, to the said trustees, shall be confirmed to the said trustees, and to their successors, in that trust, forever, for the uses which, in such instrument, shall be expressed; and the said trustees shall be capable of having, holding, and taking, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, and other estate, real or personal: *Provided,* the annual income of the same shall not exceed the sum of twenty thousand dollars, and shall apply the profits thereof, so as most effectually to promote the designs of the institution.

May hold real and personal estate.

Proviso.

Trustees to elect
officers.

SEC. 3. *Be it further enacted*, That the said trustees, for the time being, shall be the governors of said institution, shall have full power, from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices; to remove from office any trustee, when, from age or otherwise, he shall become incapable of discharging the duties of his office, or when, in the judgment of a majority of the trustees, he is an improper person to hold such office, to fill all vacancies that may happen in the Board of Trustees, to determine the time and places for holding their meetings, the manner of notifying the trustees, the method of electing members of the Board, to elect Instructors, and prescribe their duties, to make all such rules and regulations, as they may, from time to time, consider expedient for the management of the institution: *Provided*, the same be not repugnant to the laws of this Commonwealth.

Proviso

May have seal.

SEC. 4. *Be it further enacted*, That the trustees of said institution may have a common seal, which they may change at pleasure; and all deeds, sealed with said seal, and delivered and acknowledged by the Treasurer of said trustees, by their order, shall be good and valid in law; and said trustees may sue and be sued, in all actions, and prosecute and defend the same, to final judgment and execution, by the name of The Trustees of Newton Theological Institution.

Quorum.

SEC. 5. *Be it further enacted*, That the number of said trustees shall never exceed twenty-five, nor be less than nine; and one third of the existing number of trustees shall be necessary to constitute a quorum for doing business; but a less number may, from time to time, adjourn until a quorum can be constituted.

SEC. 6. *Be it further enacted*, That Lucius Bolles and Daniel Sharp, be, and they are, hereby, authorized and empowered to fix the time and place

for holding the first meeting of the trustees, and to notify them thereof, by serving each of them with personal notice, six days before the time appointed First meeting. for the first meeting.

[Approved by the Governor, February 22, 1826.]

CHAP. XCVII.

An Act to empower the Inhabitants of the town of Charlestown to choose Assistant Assessors.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Charlestown may, at their annual meeting for the choice of town officers, or at any other meeting called for the purpose, divide said town into any number of wards, not exceeding six, and elect, annually, by ballot, from each of the said wards, one or more suitable persons to assist the Assessors in taking a list of the rateable polls, in estimating the value of the personal property, and appraising the value of all real estates in said town.

Assistant Assessors to be chosen.

SEC 2. *Be it further enacted,* That said inhabitants may, at any time previous to choosing said assistant assessors, vote that they shall be chosen for that year, in distinct wards, in which case the town shall determine the number to be chosen from each ward, and the inhabitants of the said wards shall be separately assembled within twenty days afterwards, and within the limits of their respective wards, as follows, viz.—The Town-Clerk shall issue a warrant for each ward, directed to one of the Constables of the said town, requiring him to notify and warn all the inhabitants of that ward,

Town Clerk to issue warrants.

Vacancies to be filled.

qualified to vote in town affairs, to assemble at the time and place therein specified, to choose a Moderator and Clerk, and such number of persons, by ballot, for assistant assessors, as the inhabitants of said town shall have agreed upon. And the several ward Clerks shall be duly qualified for the discharge of their duties, and shall, within two days after such meeting, make return to the Town Clerk, in writing, of the names of the persons so chosen; and they shall thereupon be notified of their election, and be qualified in the same manner as other town officers. And in case a vacancy, from any cause, shall occur among the persons chosen by either of the modes herein prescribed, the inhabitants of the ward where such vacancy shall exist, shall be assembled in manner aforesaid, for the purpose of filling the same.

[Approved by the Governor, February 22, 1826.]

CHAP. XCVIII.

An Act to establish the Wareham Cotton Mill Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Lysander Makepeace, Alvan Makepeace, and Benjamin Lincoln, 2d, and such other persons as now are, or may hereafter be associated with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Wareham Cotton Mill Company, for the purpose of manufacturing cotton in the town of Wareham, in the county of Plymouth; and for this purpose shall have all the powers and privileges, and be subject to all the du-*

ties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act, defining the general powers and duties of Manufacturing Corporations, and the several acts in addition thereto."

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate not exceeding forty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton.

May hold real
and personal es-
tate.

[Approved by the Governor, February 22, 1826.]

CHAP. XCIX.

An Act to incorporate the Boston and Sandwich
Glass Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Deming Jarvis, Henry Rice, Andrew T. Hall, and Edmund Munroe, and such persons as may become associated with them, and their successors and assigns, be, and they hereby are, made a Corporation by the name of The Boston and Sandwich Glass Company, for the purpose of manufacturing glass in the city of Boston, and the town of Sandwich, in the county of Barnstable; and for that purpose shall have all the powers and privileges, and shall be subject to all the duties, requirements, and disabilities, prescribed and contained in an act, passed the third day of March, one thousand eight hundred and nine, entitled "an act defining the gene-

Persons incorpo-
rated.

ral powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

May hold real
and personal es-
tate

SEC. 2 *Be it further enacted*, That the said Corporation, in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding one hundred thousand dollars, and personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of glass in the places aforesaid.

[Approved by the Governor, February 22, 1826.]

CHAP. C.

An Act to authorize Seth Knowles to dispose of certain real estate in Charlestown, and to invest the proceeds thereof in other real estate.

May sell estate.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Seth Knowles of Charlestown, in the county of Middlesex, merchant, as he is guardian of his minor children hereinafter named, be, and he hereby is, duly authorized and empowered, to sell and dispose of all, or any part of the real estate, situate in said Charlestown, and devised to his minor children, Joseph Knowles, Sarah Knowles, and Caroline Knowles, in and by the last will and testament of their late grandfather, Matthew Bridge, of said Charlestown, deceased; and the said Seth Knowles is hereby authorized and empowered, to make, execute, and acknowledge, any deed or deeds, necessary and proper, to convey to any person or persons, all the right, title, and interest of said minor children, in and to said real estate, or any part thereof. And

the said Seth Knowles is hereby further authorized and empowered, with the proceeds of such sale or sales, to purchase, in the names and for the use of his said minor children, and their respective heirs and assigns, any other real estate, situate in said Charlestown, or in the city of Boston: *Provided*, that the said Seth Knowles shall, before he shall make any such sale, give bond, with sufficient sureties, to the Judge of Probate for the county of Middlesex, that he will faithfully, and at his best discretion, cause the said real estate, so devised to his said children, to be sold to the best profit and advantage; and will well and truly invest, or cause to be invested, the proceeds thereof, in such other real estate as aforesaid, as shall be most for the advantage of said minors; and that he will, so long as he shall continue to be the guardian of his said minor children, well and faithfully manage the said real estate so purchased for said minors, and, on oath, account with the said Judge of Probate, for the rents and profits thereof, whenever, and as often as he shall be thereunto required by the said Judge of Probate: *And provided, also*, that no such purchase shall be made by said Knowles, but with the approbation, and by the order of the said Judge of Probate, which order he is hereby empowered to make.

Proviso.

Proviso.

[Approved by the Governor, February 22, 1826.]

CHAP. CI.

An Act to unite the towns of Dighton and Wellington, in the county of Bristol.

BE it enacted by the Senate and House of Representatives in General Court assembled, and

Towns united.

Proviso.

by the authority of the same, That from and after the last day of February, in the year of our Lord one thousand eight hundred and twenty-six, the towns of Dighton and Wellington, in the county of Bristol, shall constitute one town, by the name of Dighton, with the same boundaries the town of Dighton had, prior to the act incorporating the town of Wellington, passed June the ninth, in the year of our Lord one thousand eight hundred and fourteen, with all the corporate privileges of other towns in this Commonwealth: *Provided, nevertheless,* that the said town of Dighton shall be entitled to all debts due to, and shall be liable to all debts due from, the said town of Wellington on said last day of February, that the said town of Dighton shall accept of said union, agreeably to the provisions of this act, in a legal town-meeting to be held previous to the first day of March next, and that the towns of Dighton and Wellington shall be and remain distinct corporations, for one year from the passing of this act, for the purpose of adjusting their corporate concerns, and for no other purpose.

[Approved by the Governor, February 22, 1826.]

CHAP. CII.

An Act to incorporate the Roxbury Colour and Chymical Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph R. Newell, John Baker, John Bacon, their associates and successors, be, and they hereby are, incorporated, and made a body politic, by the name of

The Roxbury Colour and Chymical Manufactory, for the purpose of manufacturing, in the town of Roxbury, in the County of Norfolk, Colours, Acids, and Chymicals generally, with power to have and to use a common seal, to sue and be sued, to ordain and make, from time to time, by-laws, and rules for the government and management of the corporation: *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and that they have all the privileges usually given by acts of incorporation for manufacturing purposes, subject to the rules, regulations, and penalties of the act, entitled "An Act defining the powers and privileges of Manufacturing Companies," passed March third, one thousand eight hundred and nine, and all other acts supplementary thereto.

May have a seal.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation may take, by purchase, grant, or otherwise, and hold, real estate, not exceeding the value of twenty thousand dollars, and personal estate, not exceeding the value of fifty thousand dollars, for the prosecution of their business.

May hold real estate.

SEC. 3. *Be it further enacted*, That Joseph R. Newell, be, and he hereby is, authorized, to call the first meeting of said Corporation, by advertisement in one of the newspapers printed in Boston, he giving ten days notice of such meeting, and appoint the time and place thereof; at which meeting by-laws may be passed, and the mode of calling other meetings regulated.

First meeting.

SEC. 4. *Be it further enacted*, That nothing in this act shall preclude or affect the legal remedy against said Corporators, for any nuisance to the public, or to private individuals, and that this act may be amended, revised, or terminated, at the pleasure of the Legislature.

Act may be revised, &c.

[Approved by the Governor, February 22, 1826.]

CHAP. CIII.

An Act, in addition to an Act, entitled "An Act in addition to the several Acts regulating the Inspection of Beef and Pork intended to be exported from this Commonwealth."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, all salted Beef and Pork, imported into this State, which has been duly inspected in the State in which said Beef and Pork was packed, shall not be subject to a re-inspection in this Commonwealth, any law to the contrary notwithstanding.

[Approved by the Governor, February 28, 1826.]

CHAP. CIV.

An Act to incorporate the Second Congregational Society in Northampton.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Hinckley, Joseph Lyman, Ebenezer Hunt, Samuel Howe, George Bancroft, James Shepherd, Christopher Clark, and Nathaniel Fowle, and their associates, now constituting the unincorporated Congregational Society in Northampton, with their families, polls, and estates, be, and they hereby are, incorporated into a religious Society, by the name of the Second Congregational Society in Northampton, with all the powers, privileges and immunities of parishes.

And may purchase, receive, and hold real and personal estate, to an amount not exceeding thirty thousand dollars, and may ordain and establish such by-laws and regulations for the government of their concerns, as they shall judge expedient: *Provided*, the same be not repugnant to the Constitution and Laws of this Commonwealth.

May hold real and personal estate.

SEC. 2. *Be it further enacted*, That every member of said Society, who shall have paid the sum of fifty dollars to the use of said Society, or shall become the proprietor of a pew in the meeting-house erected therefor, or shall have actually paid the rent for the current year, of any such pew, shall have a right to vote at the meetings of said Society.

SEC. 3. *Be it further enacted*, That Samuel Hinckley, Joseph Lyman, Ebenezer Hunt, Samuel Howe, James Shepherd, George Bancroft, Nathaniel Fowle, and Christopher Clark, proprietors of the meeting-house, recently erected by them, for the said Society, be, and they are, hereby, made a corporation, by the name of the Proprietors of the Second Congregational Meeting-house in Northampton.

Persons incorporated.

SEC. 4. *Be it further enacted*, That the said proprietors shall choose one of their number Treasurer of said proprietors, who shall give bond to said proprietors, with sufficient surety or sureties, to their acceptance, in the penal sum of fifteen thousand dollars, for his faithful discharge of said trust; and whose duty it shall be, under the direction of a committee of said proprietors, to be chosen for that purpose, to sell, and lease, the pews in said meeting-house, by deed under his hand and seal, and who shall have the care and custody of all the money, effects, and securities, belonging to said proprietors, and of their receipts and disbursements.

Treasurer to be chosen.

SEC. 5. *Be it further enacted*, That the said proprietors shall receive and hold, in trust, all donations made to said Society, and other funds of the same, and dispose of the same in such manner as the said Society shall, from time to time, direct.

May fill vacan-
cies.

SEC. 6. *Be it further enacted*, That the said proprietors shall have power to fill all vacancies that may arise in their number, from death, resignation, or removal from said Society.

Lien.

SEC. 7. *Be it further enacted*, That for security of the purchase money of any pew, or part of a pew, the said proprietors shall forever have a lien on the same in the hands of any person or persons holding or purchasing the same, until the said money be paid.

First meeting.

SEC. 8. *Be it further enacted*, That Joseph Lyman, Esq. be empowered to fix the time and place for holding the first meeting of said Congregational Society, by notice posted up at said meeting-house; and to fix the time and place for holding the first meeting of said proprietors, notifying each proprietor thereof.

[Approved by the Governor, February 28, 1828.]

CHAP. CV.

An Act for abolishing the punishment of Whipping within this Commonwealth.

Whipping abo-
lished.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That no person, convicted of any offence, before any court of this Commonwealth, shall ever be punished by whipping; but the court, having jurisdiction of the case, may, and shall, sentence such convict to a fine, to the use of the Commonwealth, not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, according to the aggravation of said offence.

[Approved by the Governor, February 28, 1826.]

CHAP. CVI.

An Act in addition to the several acts for the due regulation of Weights and Measures.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That hereafter the Directors of the several Banks, which are, or shall be incorporated in this Commonwealth, shall, once in five years, in the month of June, at the expense of said banks, have all the weights, used in their respective banks, compared, proved, and sealed by the Treasurer, or by some person specially authorized, by him, for that purpose, agreeably to the provisions of an act entitled "An Act for the due regulation of Weights and Measures," passed the ninth day of March, one thousand eight hundred and four.

[Approved by the Governor, February 28, 1826.]

CHAP. CVII.

An Act for altering the time of holding the Courts of Common Pleas, in Nantucket and Dukes County.

SEC. 1. BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Court of Common Pleas, which is now, by law, holden at Nantucket, on the fourth Monday of October, shall be holden, at said

Nantucket, on the first Monday of October, annually.

Time of holding
Courts.

SEC. 2. *Be it further enacted*, That the term of the Court of Common Pleas, which is now, by law, holden at Edgartown, in, and for, the County of Dukes County, on the last Monday of October, annually, shall be holden at said Edgartown, on the second Monday of October, annually, any law to the contrary, notwithstanding.

[Approved by the Governor, February 28, 1826.]

CHAP. CVIII.

An Act, in addition to an act, entitled “an Act to incorporate the President, Directors and Company of the Bunker Hill Bank.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the President, Directors and Company, of the Bunker Hill Bank, be, and they hereby are, authorized to issue bills, from said bank, to the amount of their capital stock, instead of half that amount, as now provided.

[Approved by the Governor, February 28, 1826.]

CHAP. CIX.

An Act relating to the support and regulation of
Mills.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person, who shall, hereafter, by erecting or maintaining a mill-dam, cause damage to another, by overflowing his lands, may make tender, and pay money into Court, in the same manner as is now provided by law, in cases of contract and of actions thereon.

Tender of money.

SEC. 2. *Be it further enacted,* That the jury, in assessing the damages occasioned by overflowing lands, as aforesaid, shall not take into consideration any damage done more than two years previous to the commencement of the process under which said damages are assessed: *Provided nevertheless,* that the provisions of this section shall not apply to any person who, having already sustained damage by the overflowing of his lands, as aforesaid, shall commence his process for obtaining the same, within two years from the passing of this act.

Proviso.

SEC. 3. *Be it further enacted,* That the fourth section of an act relating to the support and regulation of mills, passed the twenty-sixth day of February, in the year of our Lord, one thousand eight hundred and twenty-five, be, and the same is, hereby, repealed.

Act repealed.

[Approved by the Governor, February 28, 1826.]

CHAP. CX.

An Act to alter the times of holding the Supreme Judicial Court.

Courts

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the term of the Supreme Judicial Court, which is now by law to be holden at Concord, for and within the county of Middlesex, on the fourth Monday of March annually, shall hereafter be holden at said Concord, on the second Tuesday of April, annually; that the term of said Court, which is now by law to be holden at Greenfield, for and within the county of Franklin, on the first Tuesday of September, annually, shall hereafter be holden at said Greenfield on the second Tuesday of September, annually; that the term of said Court, which is now by law to be holden at Northampton, in the county of Hampshire, and for the counties of Hampshire, Franklin and Hampden, on the fourth Tuesday of September, annually, shall hereafter be holden at said Northampton, in said counties of Hampshire, Franklin, and Hampden, on the Monday next preceding the fourth Tuesday of September, annually.

SEC. 2. *Be it further enacted,* That the term of said Court, which is by law now to be holden at Cambridge, on the second Tuesday next after the fourth Tuesday of September, for and within said county of Middlesex, shall hereafter be holden at said Cambridge on the third Tuesday next after the fourth Tuesday of September, annually; that the term of said Court, which by law is now to be holden at Plymouth, in the counties of Bristol, Plymouth, Barnstable and Dukes County, and Taunton, alternately, on the third Tuesday next after the fourth Tuesday of September, annually, shall hereafter be holden at the same places alternately,

on the fourth Tuesday next after the fourth Tuesday of September, annually ; that the term of said Court, which by law is now to be holden at Dedham, for and within the county of Norfolk, on the fourth Tuesday next after the fourth Tuesday of September, shall hereafter be holden at said Dedham, on the fifth Tuesday next after the fourth Tuesday of September, annually ; that the term of said Court, which by law is now to be holden at Salem, for and within the county of Essex, on the fifth Tuesday next after the fourth Tuesday of September, shall hereafter be holden at said Salem, on the sixth Tuesday next after the fourth Tuesday of September, annually ; and that the term of said Court, which by law now is to be holden at Boston, for and within the county of Suffolk, on the sixth Tuesday next after the fourth Tuesday of September, shall hereafter be holden at Boston, for and within the county of Suffolk, on the seventh Tuesday next after the fourth Tuesday of September, annually : *Provided*, that all actions and processes, of whatever nature, which are now pending in said Court, which shall not be by law transferred to the said Court, to be holden at Nantucket, shall be proceeded upon, and determined at the term of said Court, herein established in the same way and manner as though this act had not passed.

SEC. 3. *Be it further enacted*, That all other acts relating to the terms of the Supreme Judicial Court, which are inconsistent with this act, be, and the same are hereby repealed ; and that all actions, suits, bills, and processes of whatsoever nature, criminal or civil, now pending, or to be commenced in said Supreme Judicial Court, for either of the counties aforesaid, shall be returnable to, have day in, be proceeded upon, and determined at, the several terms by this act established, any act or law to the contrary notwithstanding.

[Approved by the Governor, February 28, 1826.]

CHAP. CXI.

An Act to incorporate the School Fund Committee,
in the town of Braintree.

Persons incorpo-
rated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Minott Thayer, Asa French, Elisha Holbrook, John V. Arnold, Amos Stetson, Samuel Capen and Doctor Jonathan Wild, be, and they hereby are, incorporated and made a body politic and corporate, by the name of The Braintree School Fund Committee.

Seal.

May hold estate.

SEC. 2. *Be it further enacted*, That said corporation may have and use a common seal, and shall be capable of suing and being sued, in any action, real, personal or mixed, in any court, having jurisdiction thereof; shall, or may, take and hold, in fee simple, or otherwise, by gift, grant or devise, any estate, real, personal or mixed, not exceeding ten thousand dollars in value, which has or may be given to the town of Braintree, for the promotion of learning, or which has or may be raised by the town for the same purpose, and apply the income of the same to the purpose, or purposes, to which it was, or may be, designed; may make and execute any by-laws and rules, for the government of the corporation, and may appoint such officers, and invest them with such powers, as they may think expedient, not repugnant to the laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That the said Minott Thayer, Asa French, Elisha Holbrook, John V. Arnold, Amos Stetson, Samuel Capen and Doctor Jonathan Wild, shall have power to act, in their corporate capacity, till the annual meeting of the town of Braintree, in the month of March, in the year of our Lord, one thousand eight hundred and

twenty-nine, at which time that town may choose, by ballot, seven other persons, or re-elect all, or any of said corporation, who shall continue in office three years, and the same process to be made every succeeding three years; and in case of death, absence or resignation, the aforesaid corporation shall have power to fill all vacancies which may occur.

Choice of Mem-
bers.

SEC. 4. *Be it further enacted*, That Minott Thayer is hereby authorized to call the first meeting of said corporation, for the purpose of choosing such officers as are necessary, by giving each individual three days notice.

First meeting

[Approved by the Governor, February 28, 1826.]

CHAP. CXII.

An Act to incorporate the town of Lowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the north-easterly part of the town of Chelmsford, in the County of Middlesex, lying easterly and northerly of a line drawn as follows, viz: beginning at Merimack river, at a stone post, about two hundred rods above the mouth of Patucket Canal, so called, thence running southerly, in a straight course, until it strikes the Middlesex Canal, at a point ten rods above the Canal Bridge, near the dwelling-house of Henry Coburn; thence southerly, on said canal, twenty rods, thence a due east course to a stone post at Concord river, be, and hereby is, incorporated into a Town, by the name of Lowell, and the inhabitants of said town of Lowell are hereby invested with all the powers and privileges, and shall

Town divided.

also be subject to the duties and requisitions of other incorporate towns, according to the constitution and laws of this Commonwealth.

Taxes.

SEC. 2. *Be it further enacted*, That the inhabitants of said town of Lowell shall be holden to pay all arrears of taxes which have been assessed upon them by the town of Chelmsford, before the passing of this act; and the said town of Lowell shall be holden to pay two-fifths parts of the balance or residue of all debts due and owing from said town of Chelmsford, on the first day of March, one thousand eight hundred and twenty-six, after deducting therefrom the sum of twenty-seven hundred and twenty-six dollars; and after applying to the payment of said debts all the money belonging to said town, and all the taxes assessed by said town of Chelmsford, before the passing of this act.

Paupers.

SEC. 3. *Be it further enacted*, That the said towns of Chelmsford and Lowell shall, hereafter, be liable for the support of all persons who now do, or hereafter shall, stand in need of relief, as paupers, whose settlement was gained or derived from a settlement gained or derived within their respective limits. And in all cases hereafter, wherein the settlement of a pauper was gained or derived from a settlement gained or derived, before the passing of this act, partly within the limits of both of said towns; or wherein it shall not be proved within the limits of which of said towns such settlement was gained, the said towns of Chelmsford and Lowell shall be equally liable for the support of said pauper.

Payment of Representatives.

SEC. 4. *Be it further enacted*, That until a new valuation is taken by the Commonwealth, the state and county taxes, and any reimbursements required by the Commonwealth, for the payment of the representative of the present and past years, of said town of Chelmsford, which may be called for from said towns of Chelmsford and Lowell, shall be paid jointly, by said towns, and in the proportion of three-fifths for said Chelmsford, and two-fifths for said town of Lowell.

SEC. 5. *Be it further enacted,* That any Justice of the Peace, in the County of Middlesex, be, and hereby is, authorized to issue his warrant to any principal inhabitant of the town of Lowell, requiring him to notify and warn the inhabitants of said town of Lowell to assemble and meet at some convenient time and place, in said town, to choose all such officers as towns are required to choose, in the months of March and April, and to do and transact any other lawful business, relative to the affairs of said town.

May choose officers.

[Approved by the Governor, March 1, 1826.]

CHAP. CXIII.

An Act regulating the deposit and transportation of Gunpowder, in the town of Salem.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no person, except on military duty, in the public service of the United States, or of this Commonwealth, shall keep, have or possess, in any house, ware-house, shop or other building, nor in any street, lane, alley, passageway, yard or cellar, nor in any wagon, cart or other carriage, nor on any wharf, nor on board of any ship, or other vessel, within two hundred yards of any wharf, or of any part of the shore or the mainland, nor in any place within the town of Salem, gunpowder, in any quantity exceeding five pounds, in any way or manner, other than by this act, and by the rules and regulations hereinafter mentioned, may be permitted and allowed.

Shall not keep Gunpowder.

SEC. 2. *Be it further enacted,* That the firewards of the town of Salem, be, and they are, hereby,

May make rules,
&c.

authorized to make and establish rules and regulations, from time to time, relative to the times and places at which gunpowder may be brought to, or carried from said town, by land or by water, the times when, and manner in which, the same may be transported through said town, to direct and regulate the kind of carriages, boats, and other vehicles, in which the same may be so brought to, carried from, and transported through, said town, to direct the manner in which gunpowder may be kept by dealers and other persons, and to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the keeping of gunpowder, and in the transportation thereof, to, from, and through, the town of Salem.

Liable to seizure.

SEC. 3. *Be it further enacted*, That, all gunpowder, which shall be kept, had or possessed, within the town of Salem, or brought into, or transported through the said town, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the firewards of said town, and it shall be the duty of such fireward or firewards, within twenty days after such seizure, to file a libel, in the office of the Clerk of the Court of Common Pleas, for the County of Essex, stating the case of such seizure, and praying for a decree of forfeiture; and the judges of said Court shall have power to hear and determine the case by a jury, where there is a claimant, but without a jury, if upon proclamation, no claimant appear; and to decree the forfeiture and disposition of such property according to law; and to decree a sale and distribution of the proceeds, first deducting all charges; and if such libel be not supported, restitution of the property shall be decreed without costs; but if a claimant appear and dispute the forfeiture, and said gunpowder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution, which may have legally arisen thereon.

SEC. 4. *Be it further enacted*, That all gunpowder so forfeited, shall be forfeited one moiety thereof to the use of this Commonwealth, and the other moiety thereof to the use of the town of Salem.

SEC. 5. *Be it further enacted*, That it shall and may be lawful, for any one or more of the firewards of the town of Salem to enter any building or other place in said town, in the day time, to search for gunpowder, which they may have reason to suppose to be concealed or kept contrary to the provisions of this act, or to the rules and regulations made as aforesaid, having first obtained a search warrant therefor according to law. May search.

SEC. 6. *Be it further enacted*, That it shall be the duty of the firewards of the town of Salem, to cause all such rules and regulations as they may make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the town of Salem, and to cause such publication to be continued two weeks successively, for the information and government of all persons concerned. Notice to be given.

[Approved by the Governor, March 2, 1826.]

CHAP. CXIV.

An Act to establish a term of the Supreme Judicial Court, in Nantucket.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That there shall hereafter be holden at Nantucket, for and within the county of Nantucket, a term of the Supreme Judicial Court, by one or more of the Justices of said Court, on the first Tuesday of July, annually,

Courts to be hold-
en.

and the Court so holden, shall have cognizance of all causes, civil and criminal, and of all other matters and things which by law are cognizable by the said Court, when holden by one or more Justices thereof, in any county; and all writs, processes, complaints, orders or proceedings, as well as all warrants, recognizances, and other matters, which now are, or hereafter may be returnable to the Supreme Judicial Court, for said county of Nantucket, and all appeals made from the Court of Common Pleas in Nantucket, shall be returned to, entered, have day in, be proceeded upon, heard, and determined by said Court, to be holden as is herein provided.

Clerk appointed.

SEC. 2. *Be it further enacted*, That the Clerk of the Court of Common Pleas, for the said county of Nantucket, shall be the Clerk of the Supreme Judicial Court for said county, subject to removal from office by the Justices of said Court, who shall have power to remove and appoint Clerks as in other counties, and the said Clerk, now in office, or who shall hereafter be appointed, shall give bonds to the satisfaction of said Court, as in other cases, and shall have the custody of the records, files and papers appertaining to cases in said Supreme Judicial Court, and shall have the same powers and privileges, and be subject to the same duties, as other Clerks of the Supreme Judicial Court; and it shall be the duty of said Clerk to issue venires to the Constables of said Nantucket, for the summoning of grand and traverse juries to attend such Court, at each and every term thereof, at the same times, and in the same manner, as is required by law, of Clerks in other counties; and the Constables of said town of Nantucket, and the Selectmen thereof, are hereby required to proceed in the appointment of jurors, both grand and traverse, in the same manner and under the same penalties as are prescribed by law for like officers in other counties in this Commonwealth; and the jurors who may be summoned and returned shall be sub-

ject to all the laws which provide for attendance, regulation, and compensation of jurors in the Supreme Judicial Court.

SEC. 3. *Be it further enacted*, That all suits, actions, causes, matters and things, arising or happening in said Nantucket, which by law are or would be cognizable by the said Supreme Judicial Court, only when holden by three or more of the Justices thereof, shall continue to be cognizable, heard and determined, by the said Court when so holden in Boston, in the county of Suffolk, in the same manner as if this act had not passed.

SEC. 4. *Be it further enacted*, That whenever any person shall think himself aggrieved by any order, opinion, or judgment of the Justice of said Court, who shall preside at any term thereof, the same proceedings shall be had as is provided by law for like cases, and in such case the action or cause shall be entered at the next term of the Supreme Judicial Court, which shall be holden at Boston, for the county of Suffolk, and the party complaining of such order, opinion, or judgment, shall, within such time as shall be required by the Justice presiding at the trial, produce and file in the Clerk's office of the county, all such copies and papers as shall be ordered by the said Judge; and the said Court, so holden in Boston, in the county of Suffolk, shall proceed to hear and determine such cases, and award judgment and execution thereon, in the same manner as if said cases or actions had been tried in the said county of Suffolk: *Provided*, that if a new trial shall be awarded, Proviso. it shall be had in the said county of Nantucket.

SEC. 5. *Be it further enacted*, That in all criminal trials which shall be had before the Court to be holden at Nantucket, as by this act is provided, if the party against whom a verdict may be returned, shall file his exceptions to any opinion, order, or judgment of the Justice who shall hold said Court, in any matter of law arising in the course of the trial, he shall be holden to recognize, at the Recognizance

discretion of the said Court, for his personal appearance at the next term of the Supreme Judicial Court, which shall be holden at Boston aforesaid, by three or more of the Justices thereof; and said Court, so holden, shall proceed to hear and determine said questions, and may award sentence against the party so complaining, or grant a new trial, as to law and justice shall appertain.

Act repealed.

SEC. 6. *Be it further enacted*, That an act passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-five, entitled an act, in addition to an act, to establish the terms of the Supreme Judicial Court, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, March 2, 1826.]

CHAP. CXV.

An Act to incorporate the Pontosack Woollen Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Campbell, jun. Henry Shaw, Thaddeus Clap, and George Campbell, their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the Pontosack Woollen Manufacturing Company, for the purpose of manufacturing wool and cotton at Pittsfield, in the county of Berkshire, and, for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our

Lord one thousand eight hundred and nine, entitled, "an Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of such real-estate, not exceeding the value of eighty thousand dollars, and such personal estate, not exceeding the value of one hundred and sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid, and the manufacture of machinery.

May hold real and personal estate.

SEC. 3. *Be it further enacted*, That David Campbell, jun. be, and he is hereby authorized to appoint the time and place for holding the first meeting of said Corporation, and to notify them thereof, either by personal notice, or otherwise, seven days at least before the time appointed.

First meeting.

[Approved by the Governor, March 2, 1826.]

CHAP. CXVI.

An Act in addition to an act, entitled "An Act to incorporate the First Baptist Society in Danvers."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the First Baptist Society in Danvers, shall have full power and authority, at any meeting, duly called for that purpose, to assess on the pews in their house of religious worship, all such taxes as may be necessary or proper, for the maintenance of public worship, and all other parochial charges and expenses, ac-

Powers granted.

ording to the relative value of the pews in the same, as shall be agreed on and established by said society, in such manner as they may think proper, and the taxes, so assessed, shall be a lien on the same pews respectively, and in case of the non-payment of the tax, or taxes, so assessed, for the space of one year after the same shall have been assessed, shall be forfeited to the said society, and may be sold at public auction, by order of the standing committee of said society, seven days previous notice being given of such intended sale, by an advertisement posted at said house; and the nett proceeds of said sale, after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor of the pew so sold, or to his assigns; and the society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title, as proprietor thereof.

Right to vote.

SEC. 2. *Be it further enacted*, That to constitute a legal voter in the meetings of the society aforesaid, and in the management of all the concerns of the same, the person shall own, at least, one half a floor pew, or the whole of a pew in the gallery.

Act repealed.

SEC. 3. *Be it further enacted*, That so much of the act to which this is in addition, passed February twelfth, in the year of our Lord, one thousand eight hundred and nineteen, as is inconsistent with the provisions of this act, be, and the same is, hereby, repealed.

[Approved by the Governor, March 2, 1826.]

CHAP. CXVII.

An Act in further addition to an act entitled, "An Act for incorporating the Proprietors of the Boston Pier, otherwise called the Long Wharf, in the town of Boston."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Proprietors of the Boston Pier, otherwise called the Long Wharf, be, and they are, hereby, made capable of taking and holding, in their corporate capacity, the said pier or Long Wharf, and the land under and adjoining, and all the estate which is now held by said proprietors, as tenants in common, and of alienating and disposing of the same, and of purchasing and holding any of said estate within the limits now authorized by law, instead thereof; and that the said corporation shall have power to divide their estate, stock and property, into such number of shares, not exceeding two hundred, as the proprietors, by their vote, shall agree and determine on, and annually to choose a President and five Directors, who shall hold their offices for one year, and until others are chosen in their stead, and shall have such powers, for the transaction of business, and the management of the affairs of the corporation, as the proprietors shall see fit to confer on them, by their votes and by-laws. And the said corporation, after the proprietors' several interests shall be transferred to the same, as aforesaid, shall be entitled to, and have, all the powers and privileges secured, or intended to be secured, to the same, by their act of incorporation, aforesaid, and the deed of partition therein mentioned, together

Power extended.

with the several acts in addition thereto, and all the conveyances heretofore made by, and to, the said corporation, in its corporate name and capacity, be, and they are, hereby, confirmed.

[Approved by the Governor, March 2, 1826.]

CHAP. CXVIII.

An Act to incorporate the Taunton and Providence Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Crocker, Jesse Smith, John West, Francis Baylies, James L. Hodges, D. G. W. Cobb, together with such others as have associated or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Taunton and Providence Turnpike Corporation, for the purpose of making a Turnpike Road, from Taunton Green, in Taunton, in the County of Bristol, in the most convenient and suitable direction to Seekonk River, in said County, so as to connect the said town of Taunton, and the town of Providence, in the State of Rhode Island, by the most convenient and practicable route; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act entitled, "an act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto.

Persons incorpo-
rated.

[Approved by the Governor, March 3, 1826.]

CHAP. CXIX.

An Act to authorize the sale of certain Ministerial Lands in the County of Berkshire, and for appropriating the avails thereof for the use of Schools.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Snellem Babbit, Esq. of Savoy, be, and he is hereby empowered to sell, either by public auction, or at private sale, as he may judge most for the interest of those concerned, and pass deeds to convey, all the lands reserved for the use of the Ministry, in the grant originally made to William Bullock, Esq. and his associates, situate in the County of Berkshire, and the avails of the said sales shall be paid over and appropriated as is herein after provided. And whereas a part of said grant has been incorporated into the town of Savoy, a part thereof into the town of Clarksburgh, a part thereof into the town of Florida, and a part thereof into the town of Monroe.

Empowered to
sell estate.

SEC. 2. *Be it further enacted,* That the monies arising from said sale, shall be divided between the said towns of Savoy, Clarksburgh, Florida and Monroe, in proportion to the quantity of land in said original grant, included in said Savoy, Clarksburgh, Florida and Monroe, the said division to be made under the direction of the Judge of Probate, for the County of Berkshire, upon the principles before mentioned.

Monies to be
divided

SEC. 3. *Be it further enacted,* That the said Snellem Babbit shall, previously to his making sale of the said ministerial lands, give bond to the Judge of Probate, for said County of Berkshire, in a reasonable sum with sufficient surety, for the faithful performance of his duty therein, and for the faithful application and appropriation of the monies which may come into his hands from the avails of said lands, according to the provisions of this act.

Give bond.

SEC. 4. *Be it further enacted*, That the said Snellem Babbit shall, as soon as may be, after the sale of the said lands, pay over the proceeds thereof to the respective town Treasurers of the towns of Savoy, Clarksburgh, Florida and Monroe, in proportion to the sums that shall be coming to the said towns respectively, according to the provisions of this act.

Money to be put
at interest.

SEC. 5. *Be it further enacted*, That the monies arising from the sale of the said ministerial lands shall be put out at interest, as soon as may be, and secured, either by mortgage on real estate, or by two sufficient sureties, and the interest and profits only of said funds shall ever be appropriated to the use of schools; and it shall never be in the power of either of the said towns to alienate, or vary the appropriation of the said funds, or to apply them to any other object than the use of schools.

[Approved by the Governor, March 3, 1826.]

CHAP. CXX.

An Act to incorporate the New England Society for the promotion of Manufactures and the Mechanic Arts.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Patrick T. Jackson, Jesse Putnam, John Doggett, and Henry A. S. Dearborn, and their associates, shall be, and they hereby are, constituted a body politic and corporate, under the name of The New England Society for the promotion of Manufactures and the Mechanic Arts; and by that name may sue and be

sued, and may have and use a common seal, and alter and renew the same at pleasure; and the said corporation shall enjoy all the rights which corporate bodies usually enjoy; they shall have power to make all needful by-laws, rules and regulations, and to appoint and elect such officers as the members of the corporation may, from time to time, deem necessary, for the orderly management of the concerns of said corporation: *Provided*,^{Proviso.} such by-laws shall not be repugnant to the laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same is, hereby, made capable of holding any real or personal estate, and of disposing of the same at their pleasure: *Provided*^{Proviso.} *however*, that the annual income of both the real and personal estate, shall not exceed the sum of six thousand dollars.

SEC. 3. *Be it further enacted*, That the powers of the said corporation shall only extend to the promotion and encouragement of domestic manufactures, of all descriptions, and of mechanical skill in every department of industry, by public sales and exhibitions of the products of the arts, by awarding premiums for new inventions, and for the best specimens of skill, by introducing any new discoveries which may be made in other countries, and by collecting models of inventions made at home or abroad, and communicating the same to the manufacturers and mechanics of New England, and, generally, by the adoption of such measures, as the members of the said corporation may think will, at any time, tend to the advancement of mechanical and manufacturing skill: *Provided*^{Limitation of powers.} *however*, that the Legislature shall have power to visit the said corporation, by committees, and, on their report, to annul any by-laws of said corporation, which they may disapprove.^{Proviso.}

SEC. 4. *Be it further enacted*, That all sales of domestic goods, at public auction, which shall be made under the authority of the corporation herein

Proviso.

before created, shall be exempted from the tax imposed by law, upon sales at auction: *Provided however*, that the said corporation shall hold, or authorize only two such public sales, in any one year, at such time in each year, as they may decide to be most convenient and advantageous; and *Provided also*, that the said corporation shall be held responsible, that no goods, other than those of the growth and manufacture of the United States, shall be exposed for sale at any of their fairs or auctions; and if any departure from this restriction should occur, then this section shall become null and void.

First meeting.

SEC. 5. *Be it further enacted*, That any person named in this act of incorporation, may call the first meeting of the same by giving notice thereof, in two or more of the newspapers printed in Boston, two weeks successively, before the time of holding said meeting.

SEC. 6. *Be it further enacted*, That this act may be amended, revised and terminated, at the pleasure of the Legislature.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXI.

An Act to authorize and empower the town of Wareham to make sale of the Ministerial Lands in that town.

Powers granted.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Town of Wareham be, and it is hereby authorized and empowered, to make sale of certain lots of wood-land and meadow in said town, originally appropriated for the support of the regular administration of

gospel ordinances therein, and to be exclusively devoted to that purpose.

SEC. 2. *Be it further enacted*, That at the annual meeting of the inhabitants of said Town in the month of March next, and annually thereafter, at their meeting in March or April, there shall be elected, three or more persons who shall be the trustees of the fund to be raised, by the sale aforesaid; and the said trustees shall invest the proceeds of the sale aforesaid in some productive fund, and shall annually appropriate the income thereof, according to the original intention of said Town, when the lands and meadows aforesaid were laid out and appropriated; and they shall give bond to said Town in such sum as may be approved by it, for the faithful performance of their duties.

Shall elect trustees, &c.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXII.

An Act to establish a Corporation by the name of the Norfolk and Middlesex Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Johnson, Daniel Leland, Aaron Whiting, Amrafel Smith, and Noah King, together with such persons as have associated, or may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of the Norfolk and Middlesex Turnpike Corporation, for the purpose of making a Turnpike Road from near Ichabod Hawes' Tavern, in Holliston, thence not far south of the Factory, in said Holliston, now or lately

Persons incorporated.

known by the name of Fairbanks' Factory, thence north of a burying ground in Sherburne, thence a little north of the dwelling house of John Goulding, thence to Charles River, at or near a bridge, called Farm Bridge, thence near the dwelling house of William Munroe, in Dover, thence not far north of Dover Meeting-house, thence to the bridge over Charles River, near the iron works of John Welles and others, thence a little north of High Rock, in Needham, thence not far north of the dwelling-house of Zachariah Cushman, thence to the south side of Bald Hill, in Newton, thence a little north of an old saw-mill, in Brookline, thence to terminate at a town road near the north-west corner of Samuel G. Perkins' garden, in Brookline; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, entitled, "an Act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

Powers, privileges, &c.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXIII.

An Act relating to a Library for the General Court.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the Books and Maps belonging to this Commonwealth, and now in any of the apartments of the State House, shall be collected, deposited, and arranged, in proper cases, in the room, in said State House, usually

Shall collect maps, &c.

called the Land Office, and be placed under the care of the Land Agent, excepting only such books as are now in the Senate Chamber, and may be retained there by order of the Senate, or are in the hall of the House of Representatives, and may be retained in said hall by order of the House of Representatives, or are in the department of the Secretary of the Commonwealth, and may be retained there by order of His Excellency the Governor and the Council.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Secretary of State, under the direction of His Excellency the Governor, and of the Clerk of the Senate, and of the Clerk of the House of Representatives, to prepare, under the direction of the presiding officer of each of said branches of the Legislature, a catalogue of the books so retained in their respective departments, and deliver such catalogue duly certified to the Land Agent, to be by him preserved in his office.

Secretary, &c. to prepare a catalogue.

SEC. 3. *Be it further enacted*, That there shall annually be appointed a joint standing committee, to consist of three persons, elected by each branch of the Legislature, to be denominated the Committee of the Library, whose duty it shall be to superintend the Library, collected and deposited as aforesaid, to use the funds appropriated by this act, in procuring such books, maps, and charts as to them may seem expedient, to procure a suitable person to take charge of the Library during the sitting of the Legislature, and to see that the room in which the same is kept, is at all suitable times properly warmed and lighted, and prepared for the accommodation of the Legislature, and such other officers of the government of this Commonwealth, as may, from time to time, be permitted to use the same; to make such rules for the regulation of said Library as to them may seem proper, and the same, from time to time, to revise, amend, and enforce.

Committee to be appointed annually, and the duty thereof.

Sums appropriated.

SEC. 4. *Be it further enacted*, That for the procuring of suitable cases to contain and preserve said books, there be, and hereby is, appropriated, the sum of two hundred dollars, and that the further sum of three hundred dollars annually, for ten years, be, and hereby is, appropriated, to procure such books, maps, and charts, works of science and the arts, as may, in the judgment of said Committee tend to illustrate the resources and means of internal improvement of this Commonwealth, or of the United States, and that His Excellency the Governor, by and with the advice and consent of Council, be, and he hereby is authorized and empowered, from time to time, to draw his warrant on the Treasury for the sums aforesaid.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXIV.

An Act to change the name of the Boston and Braintree Copper and Brass Manufactory.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Corporation now known by the name of the Boston and Braintree Copper and Brass Manufactory shall be allowed hereafter to take the name of the Boston Copper Company.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXV.

An Act to incorporate the Roxbury Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Dorr, John Lemist, Benjamin F. Copeland, Jonathan Dorr, Enoch Bartlett, Charles Hickling, John Bartlett, David Dudley, Jonathan Hunewell, Benjamin Weld, and Thomas Simmons, with their associates, successors and assigns, be, and they hereby are, incorporated into a body politic, by the name of the Roxbury Insurance Company, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties, and obligations contained in a law of this Commonwealth, entitled "An Act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "An Act authorizing the several Insurance Companies in this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty-four, and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, to final judgment and execution; and may have a common seal, and alter the same at pleasure, and may purchase, hold, and convey, any estate, real or personal, for the use of said company: *Provided*, said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security, for monies due the company.

Persons incorporated.

May have Seal.

Proviso.

SEC. 2. *Be it further enacted,* That the capital

stock of said company, exclusive of premium notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each subscriber, on the amount of his subscription, within thirty days after notice given by the President and Directors, chosen by the Stockholders, in two newspapers, printed in the counties of Suffolk or Norfolk, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth or of some bank within this Commonwealth, and to be paid in such sum, or sums, at such time, or times, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Notice to be given.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns, of said company, shall be managed and conducted by twelve Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the first Monday in January, in each year, and at such time and place in said Roxbury, as a majority of said Directors, for the time being, shall appoint, of which election notice shall be given, in some newspapers, printed in the county of Suffolk or Norfolk, ten days, at least, previous to said meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock: *Provided*, no stockholder shall be allowed more than ten votes, and that absent stockholders may vote by proxy, under such regulations as the company shall prescribe; and if, through any accident, the Directors should not be chosen on the first Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein after mentioned; and it shall be the

Annual election.

Proviso.

duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place, in said Roxbury, as they shall direct, for the purposes mentioned in such application, by giving notice thereof, as herein required, for the election of directors.

Meeting to be called.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every election, and choose, out of their number, one person, to be President, who shall be sworn, or affirmed, to the faithful discharge of the duties of his office, and preside for one year; and in case of death, resignation, or inability to serve, of the President or any Directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, at a meeting to be notified and held in the same manner as herein before directed, respecting annual elections of Directors.

May fill vacancies.

SEC. 5. *Be it further enacted*, That the President and six of the Directors, or seven of them, in his absence, shall be a board competent to the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants, employed; and the election of Directors, and all such matters as appertain to the business of insurance, also shall have power to appoint a Secretary, and so many clerks and servants, with such salaries and allowances to them, and to the President, as to the Board may seem fit: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

May make by-laws, &c.

Provido.

First meeting.

SEC. 6. *Be it further enacted*, That any two or more persons named in this act, are hereby empowered to call the first meeting of said company, by advertising the same in some newspaper, printed in the county of Suffolk or Norfolk, two weeks successively, for the purpose of electing their first Board of Directors, who shall remain in office until the first Monday in January, in the year of our Lord, one thousand eight hundred and twenty-seven, and until others are elected in their stead: *Provided however*, that this charter shall be void, unless put in operation within one year after passing this act; and, *Provided also*, that said company shall not take any risk, or subscribe any policy, until one moiety of the capital stock of said company shall actually have been paid in.

SEC. 7. *Be it further enacted*, That said company shall never take, on any one risk, at any one time, including the sum insured in any other way, a sum exceeding ten per centum of the capital stock of said company, actually paid in, agreeably to the provisions of this act.

SEC. 8. *Be it further enacted*, That the said insurance company shall be located and kept in the town of Roxbury.

Liable to be taxed.

SEC. 9. *Be it further enacted*, That the said insurance company shall be liable to be taxed, by any general law, providing for the taxation of all similar corporations.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXVI.

An Act in addition to an act, entitled "An act to incorporate the President, Directors and Company of the Housatonic Bank."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time be granted to said corporation, for paying in their capital stock, and that the same may be paid in, at such time, or times, as said corporation shall direct: *Provided,* that fifty thousand dollars thereof be paid into said bank in specie, and the bank be put into operation, according to the original charter, on, or before, the first day of July next, and the remainder within three months thereafter.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXVII.

An Act to incorporate the Trustees of the Gloucester Ministerial Fund Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Zachariah Stevens, Lonson Nash, Daniel W. Rogers, Samuel Kimball, Winthrop Sargent and David Worcester, be, and are, hereby, incorporated into a body politic, by the name of The Trustees of the Ministerial Fund, in the first parish in Gloucester; and they and their successors shall be, and continue, a body politic and corporate, by that name forever; and

Persons incorporated.

they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same, to final judgment and execution, by the name aforesaid.

Seal.

May choose officers.

SEC. 2. *Be it further enacted*, That the said trustees, and their successors, shall, annually, elect a President, and a clerk to record the doings and transactions of the trustees, at their meetings, and a treasurer, to receive and apply the monies hereafter mentioned, as hereafter directed, and any other needful officers, for the managing their business.

Quorum.

SEC. 3. *Be it further enacted*, That the number of said trustees shall never be more than seven, nor less than five, one of whom shall be a minister of the said first parish; and any four of said trustees shall be a quorum for transacting business; and they shall fill vacancies which may happen by death, resignation, or otherwise; and they shall have power to remove any trustee who may become unfit, from age, infirmity, misconduct, or any other cause, of discharging his duty, and to fill the vacancy so made; and the said trustees shall, annually, hold a meeting, in March, or April, and as much oftener as may be necessary to transact their business; which meetings, after the first, shall be called as the trustees may direct.

First meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, in the county of Essex, be, and he hereby is, authorized to fix the place and time for the first meeting, and to notify the trustees thereof.

SEC. 5. *Be it further enacted*, That the said trustees be, and they hereby are, authorized to receive all donations, legacies and bequests, to the amount of thirty thousand dollars, to the fund aforesaid; and they shall have power to sell and convey all such lands as they shall become seized of by bequest, mortgage, or by levying executions, and to make, execute and acknowledge, a good and sufficient deed, or deeds, thereof, which deed, or deeds,

subscribed and acknowledged by their treasurer, by direction of said trustees, and having their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple to the purchaser, to all intents and purposes whatever.

SEC. 6. *Be it further enacted*, That all monies which said trustees shall receive, pursuant to this act, shall be promptly put at interest, and secured, by mortgage of real estate, to the full value thereof, or by sufficient sureties with the principal; or invested in public funded securities, or bank stock, as, in the opinion of the trustees, will be most for the benefit of all concerned.

Money to be put
at interest.

SEC. 7. *Be it further enacted*, That the trustees shall apply the income of the fund aforesaid, to the support of the congregational minister, now settled in said parish, or who may hereafter be settled in said parish, in conformity to the following provisions, viz. until the interest arising from the aforesaid stock, shall amount to two hundred dollars, annually, the whole amount of said interest shall be added to the principal of the stock aforesaid: and after said income shall amount to two hundred dollars, annually, one moiety thereof shall be paid towards the minister's salary, as aforesaid, and the other moiety shall be added to the principal; and the trustees shall continue thus to apply the said income, until it shall amount to the sum of twelve hundred dollars, annually, six dollars being held equal to one hundred and ninety-six pounds of flour; and when said income shall amount to twelve hundred dollars, annually, the whole amount thereof shall be paid to said minister, as his salary; and it shall continue to be so applied, until said income shall amount to the annual sum of two thousand dollars, when the surplus shall be appropriated to such charitable purposes, as the trustees may think proper.

Application of in-
come.

SEC. 8. *Be it further enacted*, That the treasurer shall give bond, with sufficient surety, or sureties, in the penal sum of two thousand dollars, at least, which penal sum may be increased, at the discre-

Treasurer to give
bond.

tion of the trustees, for the faithful discharge of his duty, and to be, at all times, responsible for the faithful application and appropriation of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind, in his office.

Compensation of
Treasurer.

SEC. 9. *Be it further enacted*, That the trustees, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid; that the treasurer shall receive a compensation for his services, not exceeding two and a half per centum of the income of the fund, annually, at the discretion of the trustees; and that the clerk shall receive, for his services, a compensation, at the discretion of said trustees, but not exceeding the sum of ten dollars annually.

SEC. 10. *Be it further enacted*, That the trustees shall exhibit to the parish, at their annual meeting, a regular and fair statement of their doings.

Transfer of fund.

SEC. 11. *Be it further enacted*, That if, at any time, the aforesaid parish shall, for the term of three years, neglect to have a settled minister, then the aforesaid fund shall be immediately transferred, as a donation, to some charitable institution, to be selected by the trustees.

Trustees liable.

SEC. 12. *Be it further enacted*, That the said trustees, and each of them, shall be responsible to the parish for their personal negligence or misconduct, and be liable to a suit for any loss or damage arising thereby, and the debt, or damage, recovered in such suit, to be for the use of the fund aforesaid; and any trustee, or trustees, so found guilty of misconduct, shall be incapacitated, forever, from being one of said trustees. And when, from this, or any other cause, the number of the trustees shall be reduced to a less number than four, a number sufficient to constitute a quorum, as aforesaid, shall be chosen by said first parish.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXVIII.

An Act in addition to the act relative to the boundary lines of the city of Boston, and the town of Brookline.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of land, annexed to the City of Boston, by the act to which this is in addition, passed on the twenty second day of February, in the year of our Lord one thousand eight hundred and twenty five, is hereby annexed to, and made a part of Ward No. 6, in said City, and shall so remain, until the divisions of the Ward of said City shall be altered by the City Council or otherwise, according to law.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXIX.

An Act in addition to an act, entitled "an act to prevent the destruction of Oysters, and other shell fish in this Commonwealth."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall and may be lawful for the inhabitants of the town of Westport, in the county of Bristol, from time to time, at their annual meeting in March or April, to determine and order, by whom, and in what places, and in what quantities, and on what condition, Oysters may be taken in Acoxet River, within the

Preservation of
Oysters, &c.

Penalty.

town aforesaid, and shall cause a copy of such order, attested by the Town Clerk of said Town, to be posted up in some public place or places in said town, as the inhabitants, at their meeting aforesaid, shall order; and any person who shall violate such regulations, upon conviction thereof, shall forfeit and pay a sum not less than five nor more than ten dollars.

Manner of prosecuting.

SEC. 2. *Be it further enacted*, That all forfeitures which shall be incurred by virtue of this act, and shall be sued for, shall be sued in an action of debt, in the name of the Treasurer of said town of Westport, before any justice of the peace (not interested) in said county of Bristol, and to the use of said town.

SEC. 3. *Be it further enacted*, That the Legislature may, at any time hereafter, amend or repeal this act.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXX.

An Act to incorporate the First Baptist Society in the town of Southwick.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Rowland Lafflin, Wait Easton, Ashbel Easton, jun. Cyrus Bill, Lewis D. Fowler, David Kent, Noble Campbell, Josiah Kent, jun. Abijah Byington, Eli Campbell, David Loronsbury, Owen Campbell, Justus Kent, Elisha Parker, Beebee Smith, Abner Johnson, Warren Byington, Lemuel Easton, Josiah S. Knowles, Joel Moor, Erastus Brewer, Shubael Easton, Forest Barker, Almon H. Baker, Rodolphus Gillet, 2d,

and William Hosmer, with such as may hereafter associate with them, be, and they hereby are, incorporated into a religious society, by the name of the First Baptist Society in Southwick, with all the privileges, powers, and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth.

Powers, &c.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Hampden, be, and he hereby is, authorized to issue his warrant, directed to any member of said society, requiring him to warn the members of the said society to assemble at some suitable time and place in said Southwick; then and there to choose such officers for said society, as they shall see fit, and to transact such other business as may be deemed necessary.

Power to call a meeting.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXI.

An Act in addition to an act, entitled, "an Act to incorporate the Salisbury Woollen Manufacturing Company."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Salisbury Woollen Manufacturing Company may, at any time hereafter, increase their capital stock to a sum not exceeding five hundred thousand dollars; and that they may be lawfully seized and possessed of such real and personal estate, not exceeding that sum, as may be necessary or convenient for carrying on the several manufactures, which, by virtue of this act, and of that to which this is in addition, they

May increase capital stock.

Proviso.

may be authorized to carry on : *Provided, however,* that the real estate of said Corporation shall not, at any time, exceed the sum of two hundred and fifty thousand dollars.

Further powers granted.]

SEC. 2. *Be it further enacted,* That the said Company, in addition to their present powers, may, and they are hereby authorized to manufacture machinery, and also linen, cotton, and iron, into such fabrics, and after such manner as they shall deem expedient.

Name, as altered.

SEC. 3. *Be it further enacted,* That the said Corporation shall hereafter be known and called by the name of the "Salisbury Manufacturing Company," and by that name shall be liable to all the duties and obligations, and entitled to all the rights and privileges, they are now liable or entitled to.

[Approved by the Governor, March 3, 1826.]

CXXXII.

An Act to establish the Hampden and Berkshire Turnpike Corporation.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Elisha Pinny, Jos. A. Root, Oliver Watson, Luther Laflin, Avery Tracy, Lemuel Boise, Waterman Carter, James Watson, John F. Collister, William Phelps, Reuben Bradley, Charles Sprague, Seth Root, Liberty Lyman, Isaac Lloyd, Orrin Sage, Timothy L. Hatch, Lewis B. Barnes, and Eli Hall, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of the Hampden and Berkshire Turnpike Corpora-

tion, for the purpose of making a Turnpike road from the Turnpike near the house of John A. Malory, jr. in Russell, in the best direction to the village in Blandford, thence in the best course near the house of John Collister, to meet the Becket Turnpike, near the house of Kindall Baird, in Becket, and shall have all the powers and privileges, and be subject to all the duties, requirements and penalties prescribed and contained in an act entitled "an act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto, except so far as the same are altered by the provisions of this act.

Course of Turnpike.

SEC. 2. *Be it further enacted*, That said road shall be laid out, not less than four rods in width, and the travelled path of the same shall not be less than eighteen feet.

SEC. 3. *Be it further enacted*, That the Court of General Sessions of the Peace within the County of Hampden, are hereby authorized and empowered, upon the application of said Corporation, to appoint a committee of five disinterested freeholders, either in said County of Hampden, or Berkshire, or in both, who shall be invested with all the authority contained in an "act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto.

Committee may be appointed.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXIII.

An Act to annex a certain Tract of Land to the town of Grafton.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Tarrent Merriam*

Land to be annexed.

Proviso

and his family, together with a certain tract of land, situated in the town of Shrewsbury, containing about one hundred and eighty six acres, more or less, chiefly owned by said Merriam, and bounded as follows, to wit: on three sides of the town of Grafton, and on the fourth side by a line beginning at a point in the boundary line of said Grafton, where the corners of one Jasper Rand's land and of the said Merriam's land meet, and on the east side of one Elijah Brook's land, and thence running east ten degrees south, thirty seven rods, to the road leading from said Grafton to said Shrewsbury, thence easterly on said road until it comes to said Merriam's land on the north side, thence east twenty seven degrees north, one hundred and twenty five rods, thence east eight degrees north, to a corner of the north boundary line of said Grafton, be and the same are hereby set off from said Shrewsbury, and annexed to said Grafton, and they shall forever, hereafter, be subject to all the duties, and entitled to all the privileges of inhabitants of said Grafton: *Provided however*, that said Merriam, and the other owners of said tract of land, shall be holden to pay all taxes that have been lawfully assessed upon them, by said Shrewsbury, previous to the passing of this act.

[Approved by the Governor, March 3, 1826.]

CXXXIV.

An Act to incorporate the Bridgewater Trinitarian Congregational Church.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jason Dyer,

Ezra Fobes, Oliver Keith, Rufus Wood, Zephaniah Caswell, John Conant, Seth Conant, Oliver Conant, Theophilus Wentworth, Levi Leach, Oliver Allen, jun. Simeon Wilbur, Morton Eddy, Ebenezer Gay, Cornelius Holmes, jun. and their associates, be, and hereby are incorporated and made a body politic, by the name of the Trinitarian Congregational Church in Bridgewater, and shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the orderly direction of the business of said body politic, as shall not be repugnant to the Constitution and laws of this Commonwealth.

May have seal.

SEC. 2. *Be it further enacted,* That said body politic may hold property, real or personal, or both, to the amount of ten thousand dollars, for the purpose of supporting, with the income thereof, the preaching of the gospel, and for other benevolent and religious purposes; and the property which may be hereafter held by said body politic, subject to all the conditions and under all the trusts, that may be annexed to such bequests and gifts by the donors thereof.

May hold property.

SEC. 3. *Be it further enacted,* That said body politic shall, at their first meeting, elect a Clerk, a Treasurer, and a committee of three, with such powers as shall be prescribed by the by-laws of said body politic, and that the first meeting thereof may be called by Cornelius Holmes, jun. above named, by posting a notification thereof, eight days before the time appointed for such meeting, in the meeting house of the Trinitarian Society in Bridgewater.

Shall elect officers.

First meeting.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXV.

An Act to incorporate the Proprietors of the Hampden Brewery.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.* That William F. Wolcott, Elisha Curtis, John B. Kirkham, Stephen Warren, jun. Edmund Allen, jun. Ithamar Goodman, and Samuel H. Stebbins, their associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Proprietors of the Hampden Brewery, for the purpose of manufacturing and brewing Ale, Beer, and Porter, at Springfield, in the County of Hampden; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of Manufacturing Corporations," and in the several acts supplementary thereto.

May possess real
and personal Es-
tate.

SEC. 2. *Be it further enacted,* That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXVI.

An Act to discontinue a part of the Turnpike Road of the Hartford and Dedham Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, so much of the said Turnpike road, as lies between Pitts Head, near the Court House, and Sabin Bakers' dwelling house, in Dedham, in the County of Norfolk, be discontinued, and that said Corporation be exonerated from all liability to support the same, saving nevertheless to the public all improvements which have been made in the same by said Corporation, and leaving all rights to the road and liabilities to support the same, as they existed at the time of the establishment of said Turnpike Corporation.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXVII.

An Act to establish the Wilkinsonville Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That David Wilkinson, Nahum Harrington, Orra Goodall, Caleb Burbank, and John Morse, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and

Persons incorporated.

Course of Turn-
pike.

Provisions grant-
ed.

Provision.

they hereby are, made a Corporation by the name of the Wilkinsonville Turnpike Corporation, for the purpose of making a turnpike road from the bend in the road near Benjamin Fay's house in Westborough, thence in the best direction to the farm school house in Grafton, thence to the dwelling house of the late Abner Temple, in said Grafton, deceased, thence to the Wilkinsonville Factory in Sutton, thence to or near Asa Woodbury's blacksmith's shop in said Sutton, and shall have the right to erect one gate, and receive such rates of toll as are or may be provided by law, for one whole turnpike gate, and shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties, prescribed and contained in an act entitled "an act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That if the Corporation aforesaid shall locate their toll gate on a town road leading from the late Abner Temple's, to Ephraim Goulding's, in said Grafton, the inhabitants of the said town of Grafton shall at all times have the privilege of passing said gate free from toll.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXVIII.

An Act in addition to the several Acts establishing the Fifth Massachusetts Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Toll Gate of the Fifth Massachusetts Turnpike Corporation, situated in Fitchburg, in the County of Wor-

cester, be, and the same hereby is authorized and established where the same is now erected. And the said corporation, from and after the passing of this act, may demand and receive tolls at said gate, and collect penalties for forcing said gate, as the said corporation may do, at their other gates on said road.

[Approved by the Governor, March 3, 1826.]

CHAP. CXXXIX.

An Act, in addition to an Act, entitled "An Act to incorporate the President, Directors, and Company of the Merchants' Bank, in Salem."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President, Directors, and Company of the Merchants' Bank, in Salem, be, and they hereby are, authorized and empowered to increase their present capital stock, by an addition of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of, as a majority of Stockholders, at any legal meeting, may direct and determine: Provided however, that the whole amount thereof shall be paid in on or before the first Monday of June next ensuing.*

May increase
stock.

Proviso.

SEC. 2. *Be it further enacted, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, as the capital stock of said corporation is now liable to, by virtue of the act to which this in addition.*

Subject to taxes,
regulations, &c.

[Approved by the Governor, March 3, 1826.]

CHAP. CXL.

An Act in addition to an Act, entitled "An Act to preserve the Forests and Woodlands from Fire, in the Town of Sandwich, in the County of Barnstable."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April, to the first day of October, in each year, it shall not be lawful for any person or persons to place, keep, or maintain, any fires in the huts or cabins of the wood-cutters in the woods of said town of Sandwich, under the penalty provided in the fifth section of the act to which this is in addition.

Shall not keep
fires.

SEC. 2. *Be it further enacted,* That the Selectmen of said town shall have the same powers, and be subject to the same obligations, to enforce the execution of this law, and the penalty for the violation of the same shall be recovered in the same manner as is provided in the act to which this is in addition.

Powers and lia-
bility.

[Approved by the Governor, March 3, 1826.]

CHAP. CXLI.

An Act to incorporate the Middlesex Mutual Fire Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Richard-

son, Elias Phinney, John Farwell, Josiah Davis, Joseph Butterfield, Daniel Shattuck, Robert Brinley, Samuel Burr, Peter Wellington, Calvin Thomas, Lemuel Shattuck, Peter O. Wellington, Abel Moore, Daniel Taylor, William Adams, jun. Josiah Bartlett, and all other persons, who may hereafter become members of said Company in the manner herein prescribed, be, and they hereby are, incorporated, and made a body politic, by the name of the Middlesex Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, and merchandize, against loss or damage by fire, whether the same shall happen by accident, lightning, or by any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this, or of any of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record or other place whatever; may have and use a common seal, and may purchase, hold, and convey any estate, real or personal, for the use of said Company: *Provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts due to said Company; may make, establish, and put in execution, such by-laws, ordinances, and resolutions, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; *Provided*, such by-laws, ordinances, and resolutions be not repugnant to the laws or constitution of the United States, or of this Commonwealth, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this act, for twenty-eight years from and after the passing of this act.

Persons incorporated.

May have a seal.

May hold real and personal estate.

Proviso.

SEC. 2. *Be it further enacted*, That all and every person and persons, who shall, at any time, become interested in said Company, by insuring

therein, and also their respective heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Annual meeting.

Directors to be chosen.

SEC. 3. *Be it further enacted*, That there shall be a meeting of said Company, at Concord, in the county of Middlesex aforesaid, on the Tuesday next following the second Monday of March, annually, or on such other day as said Company may hereafter determine, at which meeting shall be chosen, by a major vote of the members present, a Board of Directors, consisting of not more than nine, nor less than five members, who shall continue in office until others shall have been chosen, and accepted the trust in their stead; all vacancies happening in said Board, may be filled by the remaining members until the next annual meeting; and a majority of the whole number chosen shall constitute a quorum for the transaction of business. Special meetings of said Company may be called, by order of the Directors, or in such other manner as the by-laws thereof may have prescribed.

Duty, &c. of Directors.

SEC. 4. *Be it further enacted*, That the Board of Directors shall superintend the concerns of said Company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said Company; they shall have power, from time to time, to appoint a Secretary, Treasurer, and such other officers, agents and assistants, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building, not exceeding three-fourths of its value, and the sum to be deposited for the insu-

rance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationary, and other things needful for the office of said Company, and for carrying on the affairs thereof; and may draw upon the Treasurer for the payment of all losses incurred in transacting the concerns of said Company. They shall elect one of their own number to act as President, and may hold their meetings as often as necessary for transacting the business of the Company, and shall keep a record of their proceedings; and any Director disagreeing with a majority of the Board, at any meeting, may enter his dissent with his reasons thereof, on record.

Shall elect a
president.

SEC. 5. *Be it further enacted*, That every person who shall become a member of said Company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the Directors, a part, not exceeding five per cent. of which said note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the remainder of said deposit note shall be payable in part or the whole, at any time when the Directors shall deem the same requisite for the payment of losses, or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same, as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

Deposit a promissory
note.

SEC. 6. *Be it further enacted*, That every member of said Company shall be, and hereby is, bound and obliged to pay his proportion of all losses and expenses happening or accruing in and to said Company; and all buildings insured by and with said Company, together with the right, title, and interest of the assured, to the lands on which they stand, shall be pledged to said Company, and the said Company shall have a lien thereon against the

Shall have a lien.

assured, during the continuance of his, her, or their policies.

SEC. 7. *Be it further enacted*, That in case of any loss or damage by fire, happening to any member, upon property insured in and with said Company, the said member shall give notice thereof, in writing, to the Directors, or some one of them, or to the Secretary of said Company, within thirty days from the time such loss or damage may have happened; and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the Directors, the question may be submitted to referees, or the said party may bring an action against the Company for said loss or damage, at the first Court in said county of Middlesex, competent to try the same; and if upon trial of said action, a greater sum shall be recovered than the amount determined upon by the Directors, the party suffering shall have judgment therefor against said Company, with interest thereon, from the time said loss and damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said Company shall recover their costs: *Provided* however, that execution shall not issue on any judgment against said Company until after the expiration of three months from the rendition thereof.

May bring action.

Proviso.

SEC. 8. *Be it further enacted*, That the Directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective portions of such loss, and publish the same, as they shall see fit, or as the by laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of his

deposit note or notes, and shall be paid to the treasurer, within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her, or them, as his, her, or their proportion of any loss, as aforesaid, in such case the directors may sue for, May sue. and recover, the whole amount of his, her, or their deposit note or notes, with costs of suit; and the money, thus collected, shall remain in the treasury of said company, subject to the payment of such losses and expenses as have, or may thereafter, accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

SEC. 9. *Be it further enacted*, That if it shall ever so happen, that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case, the sufferers insured by said company, shall receive, toward making good their respective losses, a proportional dividend of the whole amount of said notes, according to the sums by them respectively insured; and, May receive proportional dividend. in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured, and the said members shall never be required to pay for any loss, occasioned by fire, at any time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss, after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

SEC. 10. *Be it further enacted*, That the said company may make insurance for any term not exceeding ten years, and any policy of insurance, is

sued by said company, signed by the President, and countersigned by the Secretary, shall be deemed valid and binding on said company.

Shall pay losses.

Provided.

SEC. 11. *Be it further enacted*, That the directors shall settle and pay all losses, within three months after they shall have been notified, as aforesaid, unless they shall judge it proper, within that time, to rebuild the house, or houses, destroyed, or repair the damages sustained, which they are hereby empowered to do, in convenient time: *Provided*, they do not lay out, and expend, in such building, or repairs, more than the sum insured on the premises.

Redeem notes.

Provide.

SEC. 12. *Be it further enacted*, That when any house, or other building, shall be alienated, by sale, or otherwise, the policy shall, thereupon, be void, and be surrendered to the directors of said company, to be cancelled; and, upon such surrender, the assured shall be entitled to receive his, her, or their deposit notes, upon payment of his, her, or their proportion of all losses and expenses that have accrued, prior to such surrender: *Provided however*, that the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her, or them, for his, her, or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing the same, shall be entitled to all the rights and privileges, and subject to all the liabilities to which the original insured was entitled and subjected under this act.

Entitled to rights, &c.

SEC. 13. *Be it further enacted*, That if any alteration should be made in any house or building, by the proprietor thereof, after insurance has been made thereon, with said company, whereby it may be exposed to greater risk or hazard, from fire, than it was at the time it was insured, then, in every such case, the insurance made upon such house, or

building, shall be void, unless an additional premium and deposit, after such alteration, be settled with, and paid to, the directors; but no alterations or repairs, in buildings, not increasing such risk or hazard, shall, in any wise, affect the insurance previously made thereon.

SEC. 14. *Be it further enacted*, That in case any building or buildings, situated on leased lands, and insured by said company, be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the directors may retain the amount of the premium note, given for the insurance thereof, until the time for which insurance was made shall have expired, and at the expiration thereof, the assured shall have a right to demand and receive such part of said retained sum, or sums, as has not been expended in losses and assessments.

SEC. 15. *Be it further enacted*, That if insurance on any house, or building, shall be and subsist in said company, and in any other office, or from and by any other person or persons, at the same time, the insurance made in and by said company, shall be deemed and become void, unless such double insurance subsist, with the consent of the directors, signified by endorsement, on the back of the policy, signed by the President and Secretary.

Insurance to be void.

SEC. 16. *Be it further enacted*, That the said Daniel Richardson, Elias Phinney, John Farwell, Joseph Butterfield, Josiah Davis, and Daniel Shattuck, or either two of them, may call the first meeting of the members of said company, at any suitable time and place, by advertising the same in the newspaper printed at Concord, and also in the Independent Chronicle and Boston Patriot, and in the Columbian Centinel, printed in Boston, giving, at least, ten days notice of the time, place and design of said meeting, for the purpose of choosing the first Board of Directors, of making and establishing by-laws, and of transacting any business, necessary and proper to carry into effect the provisions and in-

First meeting.

Proviso

tentions of this act: *Provided however*, that no policy shall be issued by said company, until application shall be made for insurance on two hundred thousand dollars, at least.

Tax.

SEC. 17. *Be it further enacted*, That the said Middlesex Mutual Fire Insurance Company shall be liable to be taxed by any general law, providing for the taxation of all similar corporations.

[Approved by the Governor, March 3, 1826.]

CHAP. CXLII.

An Act to authorize the United States Insurance Company to reduce their Capital.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the United States Insurance Company be, and they hereby are, authorized, to reduce their capital stock to the sum of two hundred thousand dollars, to be vested and restricted in the same way as the said company were authorized and required to do by their act of incorporation, passed the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twenty-five: *Provided*, that no contracts whatever, heretofore made by said corporation, shall be in any way affected or impaired by said reduction.

[Approved by the Governor, March 3, 1826.]

CHAP. CXLIII.

An Act to establish the rate of Interest, and to restrain the taking of excessive Usury.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the interest for the forbearing or giving day of payment of one hundred dollars, for a year, shall not exceed six dollars, nor exceed that rate for a greater or lesser sum, or for a longer or shorter time : *Provided however*, that no contract or assurance for the payment of money, whereon may have been taken, or whereby may have been reserved, a greater rate of interest than is allowable by this act, shall thereby be rendered void, but shall be valid in law for the recovery of the principal sum due thereon, without interest, and no more ; and *provided further*, that whenever a greater rate of interest shall have been paid than as aforesaid, no action shall lie to recover back the same.

Rate of interest.

Proviso.

Proviso.

SEC. 2. *Be it further enacted*, That in the trial of any action, wherein it shall appear by the pleadings that the fact of usury shall be put in issue, it shall be lawful for the debtor, the creditor being alive, to become a witness, and his testimony shall be received as evidence, unless the creditor shall offer his testimony, in which case that shall be received, together with any other legal evidence that may be introduced by either party.

Evidence allowed.

SEC. 3. *Be it further enacted*, That whenever on any contract or assurance for the payment of money a greater rate of interest shall have been reserved than is allowed by this act, and there shall have been, before action brought, a tender and refusal of the principal sum due at the time of such tender and refusal, the defendant shall recover his costs, and if such tender and refusal shall be in court, or judg-

ment shall be confessed agreeably thereto, and the same shall not be accepted, he shall recover his costs from that time.

SEC. 4. *Be it further enacted*, That the act entitled "An Act for the restraining the taking of excessive usury," passed the sixteenth day of March, in the year of our Lord, one thousand seven hundred and eighty-four, and all other acts, and parts of acts, relating to the subject of this act, be, and hereby are, repealed.

Repeal.

[Approved by the Governor March 4, 1826.]

CHAP. CXLIV.

An Act in addition to an Act entitled an "Act to incorporate the Blackstone Canal Company."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the commissioners, appointed and to be appointed, under the eighth section of the act to which this is in addition, be, and they hereby are, authorized to appraise all damages accruing to any person or persons, corporation or corporations, by reason of flowing his, her or their land by said Canal Company, for their use; also to appraise all damages accruing to any person or persons, corporation or corporations, by reason of the detention, or diversion of any water from said person or persons, corporation or corporations, who may have legal right to the same.

SEC. 2. *Be it further enacted*, That said commissioners, in appraising the damages aforesaid, shall be subject to the duties and regulations in said eighth section specified, in relation to the appraisals therein mentioned: *Provided nevertheless*,

that if any person or persons, corporation or corporations, sustaining damages as aforesaid, shall not file his, her, or their claim for the same, with some one of the commissioners aforesaid, or with the Clerk of the Court of Sessions for the County of Worcester, within one year from and after the flowing, detention, or diversion as aforesaid, they shall forever after be barred from recovering any thing for their damages aforesaid.

[Approved by the Governor, March 4, 1826.]

CHAP. CXLV.

An Act in addition to the several Acts now in force, regulating the choice of Registers of Deeds, in the several Counties of this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, in case of the death, resignation, or removal of any Register of Deeds, within any county in this Commonwealth, excepting the county of Suffolk, during the term of office to which he has been elected by the people, it shall be lawful, and is, hereby, made the duty of the Justices of the Court of Sessions, within the county where such death or resignation shall happen, to assemble, at their usual place of holding said Courts, any law to the contrary notwithstanding, and proceed to appoint, under the record of said Court, some suitable person, being a freeholder in said county, as a Register of Deeds, until the vacancy shall be filled by the choice of the people, in the manner hereinafter provided.

May fill vacancies.

SEC. 2. *Be it further enacted,* That the person

Give bond.

so appointed, after being duly sworn before said Justices, or some one of them, to the faithful discharge of the trust, shall give a bond for the faithful discharge of the duties of his office, to the Treasurer of said county where the vacancy exists, under the direction of the Justices of said Court, and his acts and doings, in said office, shall be valid, until an election shall be made by the people, and the person so chosen shall be qualified for his office.

To hold meeting.

Proviso.

SEC. 3. *Be it further enacted*, That the Justices of said Court of Sessions, in case any vacancy shall hereafter be found to exist, from either of the causes above recited, shall forthwith proceed to issue, under the authority of said Court, notices to the several towns in the said county, directed to the selectmen of said towns, requiring them to notify a meeting of the legal voters in said town, in the usual manner of calling town meetings, for the purpose of giving in their ballots for a Register of Deeds, for the period now regulated by law; and the Justices of said Court shall give notice to the selectmen of the day and time when such meeting shall be holden, and the time and place when the returns shall be made to them, of the result of said meetings: *Provided nevertheless*, that the time of making said returns shall never exceed twenty days from the time said notices were issued.

Give bond.

SEC. 4. *Be it further enacted*, That the Justices of said Court of Sessions, are hereby authorized to adjourn their Court to any future day within their discretion, for the purpose of counting said votes, and declaring the same; and in case of no election by the people, in the first instance, they may have authority to issue like process, until an election shall have been completed by the legal voters of the county; and the person thus chosen shall give his bond to the satisfaction of said Justices, to the Treasurer of the county, and his acts, when thus chosen and qualified, shall be legal and valid.

SEC. 5. *Be it further enacted*, That all such part or parts of the act passed the seventeenth day of

March, Anno Domini, one thousand seven hundred and eighty four, and of an act passed the eighteenth day of June, Anno Domini, one thousand seven hundred and ninety-one, and of all other acts, as are inconsistent with this act, be, and the same are hereby repealed.

Repeal.

SEC. 6. *Be it further enacted*, That the Justices of said Court of Sessions shall be allowed a per diem compensation, and necessary travel for their services, as are now provided by law for Justices of the said Court.

Compensation.

SEC. 7. *Be it further enacted*, That whenever, by reason of any of the causes aforesaid, a vacancy shall happen in the office of Register of Deeds for the county of Suffolk, such vacancy shall be filled in the same way and manner, and the same mode of procedure shall be observed, as is herein before prescribed, excepting that the Mayor and Aldermen of the city of Boston shall exercise and perform, for said county of Suffolk, all the powers and duties which the Justices of the Court of Sessions, in the other counties of this Commonwealth, are, by this act, authorized and required to exercise and perform.

Manner of filling vacancies.

[Approved by the Governor, March 4, 1826.]

CHAP. CXLVI.

An Act further regulating the returns of Banks in this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the directors of every bank which is, or may be, incorporated, within this Commonwealth, instead of the return now

To make return.

required to be made on the first Saturday of January and June, in every year, shall make such return on the first Saturday of May and of December, in every year, setting forth, in the manner heretofore provided, the state of said bank, as it existed at two o'clock, in the afternoon of the day last mentioned, and shall transmit the same, within fifteen days thereafter, to the office of the Secretary of this Commonwealth, and shall forfeit and pay one hundred dollars for every day's delay beyond that time.

Secretary's duty.

SEC. 2. *Be it further enacted*, That in addition to the particulars now required to be specified in such return, there shall be stated, in distinct columns, the amount of debts due to the bank, secured by a pledge of its stock, and also the amount of debts due and not paid, and considered doubtful. And the Secretary is hereby directed to vary the forms of the returns in conformity with this act, and to transmit two copies thereof to the cashier of every bank, at least ten days before the first Saturday of May.

Repeal.

SEC. 3. *Be it further enacted*, That all acts, and parts of acts, inconsistent with this act, be, and they hereby are, repealed.

[Approved by the Governor, March 4, 1826.]

CHAP. CXLVII.

An Act establishing a Free Bridge in the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Whittemore, Noah Brooks, Cyrus Alger, William Wright,

Adam Bent, David Henshaw, Jonathan Hunewell, Francis J. Oliver, Samuel K. Williams, and Hall J. Howe, and their associates, successors, and assigns, be, and they hereby are, constituted a corporation, by the name of the Boston Free Bridge Corporation, with all the powers and privileges, and subject to the restrictions usually incident to such corporations in this Commonwealth.

Persons incorporated

SEC. 2. *Be it further enacted*, That said corporation be, and they hereby are, authorized and empowered to build and construct, or cause to be built and constructed, a free bridge, with one or more suitable and sufficient draws, across the water, and over the channel, in or near a direction in a straight line from or near Sea Street, in Boston, to the newly made land at South Boston, and nearly in the direction of the Dorchester Turnpike, and to erect a wharf or pier on each side of said bridge, near said draws, for the accommodation of vessels passing through said bridge; such bridge and wharves to be built in such manner as the city government of Boston shall approve: *Provided however*, that said corporation shall be holden to make compensation to any person, or corporation, whose land shall be appropriated to the use of said bridge.

To make Draw.

Proviso.

SEC. 3. *Be it further enacted*, That no toll or duty shall ever be exacted or paid, for any travel over said bridge, or passing the draws of the same; and said corporation shall always be held liable to keep said bridge and draws in good repair, and to raise the draw of said bridge, and afford all necessary and proper accommodation to vessels that have occasion to pass the same by night or by day, and shall keep said bridge sufficiently lighted; and if any vessel is unreasonably delayed or hindered in passing said draw, by the negligence of said corporation, or their agents, in discharging the duties enjoined on them by this act, the owners or commanders of such vessels shall recover reasonable damage therefor, of said corporation, in an action on the case, before any court proper to try the same; and if the said cor-

Toll not to be taken.

Owners, &c. may bring action.

Proviso.

Damages may be
sued for.

poration shall not, within three years from the passing of this act, locate, construct, build, and complete said bridge, agreeably to the provisions of this act, then this act shall be null and void : *Provided*, that whenever the city government of Boston shall assume the care and obligations of keeping said bridge in repair, lighting the same, and providing facilities for raising said draw or draws, as aforesaid, then the obligations hereby imposed on said corporation to that effect, shall be annulled, and the same shall devolve on the said city government; in which case, the damages mentioned in this section, shall be sued for, before any court proper to try the same, in either of the counties of Middlesex or Essex. But unless the city government shall assume the care and obligations aforesaid, the said corporation, before commencing the building of said bridge, shall furnish adequate security, to the satisfaction of the said city government, for the due performance of the obligations and duties imposed on said corporation by the provisions of this act.

Committee may be
appointed.

SEC. 4. *Be it further enacted*, That any person or corporation, whose lands may be taken for the purpose, and in the manner, mentioned in the second section of this act, may apply, if within one year from the time any such damage may have happened, to the court of common pleas, in the county of Suffolk, for a committee to be appointed, to estimate the damage; and upon such application, the court, after thirty days notice to said corporation, to appear and shew cause, why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders within the county, at the expense of said corporation, which committee, being first duly sworn before some justice of the peace, to be nominated by said court, and giving due notice to both parties to appear, (if they see fit) for a hearing before them, shall proceed to the duties of their appointment; and they shall first inquire, whether any damage has been sustained from the

causes aforesaid, and if any, shall estimate the same, and shall make return of their doings as soon as may be, into said court, and upon acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing. *Provided* however, that either party, after the return of said report, may claim a trial by jury, and the court thereupon shall stay judgment on said report, and a trial shall be had by jury at the bar of said court, and if the party applying for a jury shall not obtain (in case it be the original applicant) an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs, and upon any judgment rendered upon the report of such committee, or the verdict of such jury, the court may issue execution accordingly, and the same, when it shall be against said corporation, unless satisfied and paid within thirty days from the rendition of such judgment, may be served and levied upon the goods or estate of any individual member of said corporation, and an action of debt may be maintained on such judgment; and if upon notice to said corporation, as aforesaid, to shew cause why such committee should not be appointed, said corporation shall appear, and deny the applicant's title to the land taken, or claim a right to do what is complained of, without payment of damages, or for an agreed composition, the court shall first order a trial of the issue at the bar of said court, or if there be an issue in law, shall try it themselves; and, in either case, either party may appeal to the Supreme Judicial Court, as in other cases, and a certificate of the determination of the Supreme Judicial Court on such appeal, in favor of the original applicant, shall be filed in said court of common pleas, before such committee shall be appointed.

Provisc.

Execution may issue.

Appcal.

SEC. 5. *Be it further enacted*, That if the city government of Boston shall, within three months

from the passing of this act, determine, by a concurrent vote of both branches of the said city government, to erect said bridge, they shall be at liberty so to do, on the same terms and conditions as said Boston Free Bridge Corporation are otherwise, by the provisions of this act, authorized to erect the same.

Repeal.

SEC. 6. *Be it further enacted*, That an act passed on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-five, entitled, an act establishing a free bridge in the city of Boston, be, and the same is, hereby, repealed.

[Approved by the Governor, March 4, 1826.]

CHAP. CXLVIII.

An Act to incorporate the Salem Mill Dam Corporation.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Pickering, Benjamin W. Crowninshield, Joseph Ropes, and John W. Treadwell, and their associates, successors and assigns, be, and they hereby are, made a body politic and corporate, by the name of The Salem Mill Dam Corporation; and by that name may sue and be sued, plead and be impleaded, to final judgment and execution, and with power to make and use a common seal, and the same to break and alter at pleasure, and also to make by-laws for the regulation of the affairs of the corporation: *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and also to purchase and hold real and personal estate, not exceeding seven hundred thousand dollars, and to do and suffer

Proviso.

May hold property.

all other acts and things which bodies corporate may or ought to do and suffer.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to build across the North River, so called, in Salem, any dam or dams, of such dimensions, in such place or places, and in such directions, as they shall deem requisite, having a gateway in the channel of the river, of twenty-six feet wide, with a suitable pier, on each side of the dam, for the passage of vessels, and also gates, sluice-ways, and other things necessary for admitting and retaining the tide, and other waters of said river, at the height of the spring tides, in such manner as the said corporation may judge necessary, in order to obtain a sufficient water power for the use of the said corporation, as hereinafter mentioned, and that the said North River shall be a full basin. And the said corporation shall further have power, from time to time, to build any dam or dams, of such dimensions, in such places, and in such directions, as they shall deem requisite, from any of the lands or flats, lying on, or near Bridge Street, so called, in Salem, aforesaid, to any part or parts of the neck, so called, with gates, sluice-ways, and other things, necessary to discharge and exclude the tide, and other waters; and further shall have power, from time to time, to build any dam or dams, from Winter Island, so called, in Salem, to any part or parts of the neck abovementioned, and to the lands or wharves lying near or adjacent thereto, of such dimensions, in such places, and in such directions, as the said corporation shall deem requisite, and further shall have power to make any canal, or canals, across Bridge Street, so called, in Salem aforesaid, and across the neck aforesaid, and other lands in the vicinity of the lands and waters abovementioned; and also to make, within the limits aforesaid, any road or roads, wharves, piers, bridges, causeways, raceways, or other erections, for the convenience of navigation, or for the use of said corporation; and the said corporation may use,

May build dams.

May make canal.

sell or lease, in such manner, and upon such terms and conditions, as they shall, from time to time, determine, the whole, or any part, of the said water power, or mill privileges, which they may have by means of the waters aforesaid ; and no person shall use or dispose of any part of said waters, for any mill or mills, without the consent of the said corporation, or shall interrupt, obstruct or divert the said waters, or in any other way injure the said corporation, in the premises.

Committee to be
appointed.

SEC. 3. *Be it further enacted*, That any person sustaining any damage by the building and making of said dams, or other erections, may apply, if within two years from the time when any such damage may have happened, to the Court of Common Pleas, holden within and for the county of Essex, for a committee to be appointed to estimate the damage, unless the parties shall agree to settle the same, by arbitration or otherwise ; and upon such application, the court, after thirty days notice to said corporation, to appear and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three, or five, disinterested freeholders, within the said county, which committee, being first duly sworn, before some Justice of the Peace, appointed by said court, and giving due notice to both parties, to appear, if they see fit, and be heard before them, shall proceed to the duties of their appointment, and they shall inquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and where the damage is annual, they shall so declare the same in their report ; and they shall also take into consideration, and set off against such damage, any benefits and advantages which may result to the party complainant, in consequence of the said mill dams, and other erections ; and if the said benefits shall be found to exceed, or to equal, the said damages, then the said committee shall make their report, that the complainant take nothing by his

Committee's duty.

complaint; and they, or the major part of them, shall make return of their doings, as soon as may be, into the said court; and upon the acceptance of said report, judgment may be rendered, for the prevailing party, with reasonable costs: *Provided nevertheless*, that either party, after the return of said report, may claim a trial by jury; and the said court shall, thereupon, stay judgment on said report, and, upon such application, shall issue a warrant to summon a jury, pursuant to the provisions of the act entitled "An Act for the support and regulation of mills," and of the several acts in addition thereto; and the said jury shall inquire into the damages, and estimate the same, if any; and shall also take into consideration, and set off against such damage, any benefits which may result to the party complainant, in consequence of the said mill dams, and other erections; and if the said benefits shall be found to exceed, or to equal, the said damages, then the said jury shall return their verdict for the respondents, and judgment shall be rendered for the respondents for costs. And if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs; and upon any judgment rendered upon the report of such committee, or the verdict of such jury, the court may issue execution accordingly, and also from year to year, where the damages awarded are annual, on motion of the party entitled thereto, and an action of debt may be maintained on such judgment. And if, upon notice to said corporation, as aforesaid, to shew cause why such committee should not be appointed, said corporation shall appear, and deny the complainant's title to the land damaged, or shall claim a right to do the acts complained of, without the payment of damages, or for an agreed composition, the said court shall first order a trial of the issue at

Proviso.

Trial by jury.

May issue executions.

Appeal.

the bar of said court, or if there is an issue in law, shall try it themselves ; and in either case, either party may appeal to the Supreme Judicial Court, as in other cases ; and a certificate of the determination of the Supreme Judicial Court, on such appeal, in favour of the original applicant, shall be filed in said Court of Common Pleas, before such committee shall be appointed, and where annual damages are awarded by said committee, or said jury, and judgment had accordingly, each party shall be entitled to apply to said Court of Common Pleas, for an increase or decrease of said damages ; and thereupon the same proceedings shall be had as upon the original application.

Shares.

SEC. 4. *Be it further enacted*, That the capital stock of said corporation shall be divided into five thousand shares, not exceeding one hundred dollars each, certificates of which shall be issued under the seal of said corporation, and be signed by the President, and countersigned by the Secretary thereof ; and the said shares shall be deemed and taken to be personal estate, and may be transferred in such manner as the said corporation shall determine.

Right to dispose of property.

SEC. 5. *Be it further enacted*, That the friends or guardians of any minors, or other persons, under legal incapacity, may, upon application to the Judge of Probate of said county, be authorized, by him, to dispose of, or relinquish to said corporation, or to their use, in such manner, and upon such terms and conditions, as the said judge shall, under all the circumstances of the case, think just and reasonable, any right, interest or privilege of said minors, or other persons, in any of the flats or waters aforesaid.

Assessments.

SEC. 6. *Be it further enacted*, That the said corporation, or its officers, duly authorized by its by-laws, may, from time to time, make assessments upon the shares subscribed for, until the whole amount of the said capital stock shall be paid in. And if the proprietor of any share shall neglect or refuse to pay any assessment for the term of thirty days

from the time appointed therefor, the share or shares of such proprietor, may be sold by public auction, notice of the time and place of such sale being given by the Treasurer of said corporation, in one or more of the public newspapers, printed in Salem, aforesaid, ten days, at least, previous to the time appointed therefor, and the proceeds of the sale shall be applied to the payment of the assessments, due on the share or shares so sold, with interest and incidental charges; and the surplus, if any, shall be paid by said Treasurer, to the former owner, or his legal representatives, on demand; and such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate therefor: *Provided nevertheless*, that if, before the actual sale of any such share or shares, the proprietor thereof shall pay the assessment due thereon, with interest, from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Notice to be given.

Proviso.

SEC. 7. *Be it further enacted*, That the persons above named, or any two of them, shall call the first meeting of said corporation, by giving, at least, seven days notice of the time and place of such meeting, in one or more of the Salem newspapers; and at said meeting there shall be chosen, by a majority of votes, a Clerk, or Secretary, who shall be duly sworn to record the doings thereof; and any act, or acts, may be done for the purpose of organizing the said corporation, and arranging its affairs, at which meeting every person shall be entitled to one vote for each share owned by him. And the number, powers, and duties, of the several officers, agents and servants, of said corporation, together with the time and manner of choosing and appointing them, and the number of votes to which the shares of each member of the corporation shall entitle him at future meetings, may be regulated by the by-laws: *Provided however*, that no meeting, as aforesaid, shall be called, before one thousand shares shall be subscribed for; and *Provided also*,

First meeting.

May choose officers.

Proviso.

Proviso.

that no proprietor shall be entitled to more than twenty votes.

SEC. 8. *Be it further enacted*, That if said corporation shall not, within the term of five years from the passing of this act, undertake the erection of any or either of said mill dams, then this act shall be void.

SEC. 9. *Be it further enacted*, That if, at any time, the said corporation shall use the water power to be created as aforesaid, for the purpose of carrying on manufactures, the said corporation shall be subject to all the duties and requirements, and be entitled to all the powers and privileges contained in the act entitled "An Act defining the general powers and duties of manufacturing corporations:" *Provided however*, that the members of said corporation, in their individual capacity, shall in no wise be liable for any debts of said corporation, for a longer time than one year after they shall have ceased to be members thereof, unless such debts shall, before the expiration of said term of one year, be put in suit against such members.

Proviso.

[Approved by the Governor, March 4, 1826.]

CHAP. CXLIX.

An Act in further addition to an act, entitled "an Act to incorporate the Merchants' Insurance Company in Boston."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Merchants' Insurance Company in Boston, be, and they hereby are authorized to purchase, hold, and con-

vey real estate, as an investment of part of their capital stock, to an amount not exceeding seventy-five thousand dollars, any thing in the act to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, March 4, 1826.]

CHAP. CL.

An Act to incorporate the President, Directors, and Company of the Bank of Norfolk, in Roxbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Henry Gray, H. A. S. Dearborn, Nathaniel Dorr, Enoch Bartlett, Jonathan Dorr, B. F. Copeland, John Lemist, Charles Hickling, David Dudley, John Bartlett, Jonathan Hunnewell, Benjamin Weld, and Thomas Simmons, their associates, successors, and assigns, shall be, and hereby are, created a corporation by the name of the President, Directors and Company of the Bank of Norfolk, and shall so continue from the third Monday in March, one thousand eight hundred and twenty-six, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said Corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an Act to incorporate the President, Directors, and Company of the State Bank," excepting so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited

Persons incorporated.

Proviso.

and enacted: *Provided however*, that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Capital stock.

When paid in.

May hold real estate.

Powers, privileges, &c.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following: that is to say, one-fourth part thereof on or before the first day of May next, one-fourth part thereof on or before the first day of August next, one-fourth part thereof on or before the first day of November next, and the residue on or before the first day of February next; and no dividend shall be declared on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said Corporation, shall be binding on the stockholders, their successors, and assigns, until they shall otherwise determine; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them their successors and assigns, lands, tenements, and hereditaments to the amount of twenty-five thousand dollars, and no more at any one time, with power to bargain, sell, dispose of, and convey the same by deed, under the seal of said Corporation, and signed by the President and two Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided however*, that nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution, to any

amount, as security for, or in payment of any debts due to the said Corporation: *And provided further,* Proviso. that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor; and no stockholder shall be allowed to borrow any money of said Bank, until he shall have paid in his full proportion of the whole of said capital stock as herein before provided and required.

SEC. 3. *Be it further enacted,* That the said Bank shall be established and kept in Dudley street, in the easterly part of Roxbury; and the whole number of Directors shall be nine; and a majority of the Board shall be inhabitants of said town, and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation, or by any person on their account, in any other place than at the said Bank. Location of Bank. Number of Directors.

SEC. 4. *Be it further enacted,* That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Com- Shall loan to the Commonwealth.

monwealth, with the annual payment of interest at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

Call a meeting.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the Norfolk Gazette, a newspaper printed in Roxbury, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the stockholders shall deem necessary: *Provided*, the same be not repugnant to the laws and constitution of this Commonwealth, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Proviso.

Commonwealth may subscribe.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one hundred thousand dollars, to be added to the capital stock of said Corporation, subject to said rules, regulations, and provisions as to the management thereof, as shall be by the Legislature made and established.

Legislature appoint Directors.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Cashier give bond.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of May next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall actually have been paid in.

Shall pay to Commonwealth, &c.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder the original amount, of any note of said Bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and shall also be liable to pay to any bona fide holder the amount of any note of said Bank counterfeited excepting such note is printed or impressed with the stereotype plate; and said Corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth for any less sum than the nominal value expressed in such bill or note.

Liable to pay, &c

SEC. 11. *Be it further enacted*, That the capital stock of said Bank, or any part of it, shall not be sold or transferred during the period of one year from the passing of this act, and in case the same shall not be put in operation within the year aforesaid, it shall be void.

Capital stock shall not be sold, &c.

SEC. 12. *Be it further enacted*, That any committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and have free access to all their books and vaults, and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined, by

Committee have a right to examine, &c.

Charter, how forfeited.

the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 4, 1826.]

CHAP. CLI.

An Act to change the names of the several persons therein mentioned.

Names changed.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Mark Alcock, of Boston, trader, may take the name of Mark Allcut ; that Jonathan Gardner Brewer, a minor, son of Thomas Brewer, merchant, of Boston, may take the name of Gardner Brewer ; that William Brown, of Boston, merchant, may take the name of William Austin Brown ; that David Hale, of Boston, may take the name of David Ward Hale ; that Jane Ann Hutchings, child of the late Fitz Edward Hutchings, of the State of Illinois, and adopted child of William Hales, of Boston, may take the name of Jane Ann Hutchings Hales ; that Edmund Wyatt Harring, of Boston, hat manufacturer, may take the name of Wyatt Harrington ; that Charles Jones, of Boston, may take the name of Charles Faneuil Jones ; that William Kelton, of Boston, may take the name of William Leeds Carlton ; that Mary Jane Kelton, wife of said William Kelton, may take the name of Mary Jane Carlton ; and that their six children, all minors, and under the age of twenty one years, may take the name of

Carlton, viz : Elizabeth Stuart Kelton, may take the name of Elizabeth Stuart Carlton ; that William Tolman Kelton, may take the name of William Tolman Carlton ; that Margaret Dommett Kelton, may take the name of Margaret Dommett Carlton ; that Harriet Maria Kelton, may take the name of Harriet Maria Carlton ; that Daniel Filmore Kelton, may take the name of Daniel Filmore Carlton ; that Sarah Jane Kelton, may take the name of Sarah Jane Carlton ; that William Lang, Jr. of Boston, merchant, may take of William Bailey Lang ; that Nancy Newman, of Boston, widow, may take the name of Ann Jane Newman ; that Ludovicus Reed, of Boston, merchant, may take the name of Henry Ludovicus Reed ; that Edward Ross McLachlan, of Boston, may take the name of Edward McLachlan Ross—all of the County of Suffolk ; that Mary Bagley, a minor, child of Joseph Bagley, of Newburyport, deceased, may take the name of Mary Lucy Bagley ; that John Mason Bird, of Salem, may take the name of John Mason ; that Methuselah Boynton, of Bradford, a minor, may take the name of Alfred Boynton ; that Martha Davis, of Newburyport, may take the name of Martha Ann Davis ; that Polly Davis, of Newburyport, may take the name of Mary Wheelwright Davis ; that Samuel Cloon Fortune, of Marblehead, may take the name of Samuel Cloon ; that William Hewes Hunkings, of Beverly, may take the name of William Hunkings Hewes ; that Aaron Kimball, a minor, son of David Kimball, of Gloucester, may take the name of John Stacy Kimball ; that Joseph Jackman, of Newbury, may take the name of Joseph Noyes Jackman ; that John Knight, a minor, son of Adams Knight, of Newbury, may take the name of John Little Knight ; that Mark Newman, jun. a minor, son of Mark Newman, of Andover, may take the name of Mark Haskell Newman ; that Hannah Newman, a minor, child of the said Mark Newman, may take the name of Hannah Haskell Newman ;

that Lucy Grafton Pickman, a minor, child of Dudley L. Pickman, Esq. of Salem, may take the name of Catherine Saunders Pickman ; that Peter Edmund Russell, of Marblehead, may take the name of Edmund Peter Russell ; that Joseph Grafton Treadwell, a minor, son of John W. Treadwell, of Salem, may take the name of Joseph Treadwell Grafton—all of the County of Essex ; that Roxalana Edmands, a minor, a child of Benjamin Edmands, of Charlestown, may take the name of Roxalana Graves Edmands ; that Francis Cook Foxcroft, now resident at Harvard College, son of Francis Augustus Foxcroft, late of Boston, merchant, may take the name of Francis Augustus Foxcroft ; that Reuben Jones, of Concord, may take the name of William Jones—all of the County of Middlesex ; that Catherine Sturgis Nye Peirce, a minor, and orphan child, adopted by her uncle, Baalis Bullard, of Uxbridge, may take the name of Catherine Sturgis Nye Peirce Bullard ; that Richard Carter, son of Oliver Carter, of Lancaster, may take the name of Richard Bridge Carter ; that Henry Carter, the 2d, of Leominster, may take the name of Henry Wadsworth Carter ; that James Carter, the 2d of Leominster, may take the name of James H. Carter ; that Charles Colburn, 2d, a minor, son of Elisha Colburn, of Leominster, may take the name of Charles Henry Colburn ; that Josiah Johnson, 2d, of Leominster, may take the name of Josiah Clemmons Johnson ; that Dana Rugg, of Templeton, may take the name of Francis Dana ; that Samuel W. Smith, of Barre, may take the name of Warner Smith—all of the County of Worcester ; that Nathaniel Weld Davis Crane, of Dorchester, may take the name of Nathaniel Crane ; that Ezra Glover Spurr, of Quincy, mariner, may take the name of Ezra Elijah Glover—both of the County of Norfolk ; that Abraham Borden, 4th, of Troy, may take the name of Abraham G. Borden ; that Isaac Hathaway, of Dartmouth, may take the name of Isaac Tobey

Hathaway ; that Humphrey Howland, 2d, of Westport, may take the name of Humphrey Daniel Howland ; that Reuben Jenney, of New Bedford, bricklayer, may take the name of Reuben Jennings—all of the county of Bristol ; that Carlow Allen, only son of Seth Allen, late of Falmouth, in the County of Barnstable, may take the name of Seth Allen ; that Shove Howland, of Amherst, may take the name of Warren Shove Howland ; that Wright Strong, a minor, son of Hezekiah W. Strong, of said Amherst, may take the name of Henry Wright Strong—both of the County of Hampshire ; that Henry Hoyt, a minor, son of Elihu Hoyt, Esq. of Deerfield, in the County of Franklin, may take the name of Henry King Hoyt ; that Sybil Hawk, of West Stockbridge, in the County of Berkshire, widow, may take the name of Sybil Niles ; that Edward Prescott, of Boston, aforesaid, may take the name of Edward G. Prescott ; that Catherine Francis, of Charlestown, in the County of Middlesex, may take the name of her benefactor, Catherine Francis Eleanor Jackson ; that Joseph Frothingham, 3d, of Salem, may take the name of Joseph Augustus Frothingham. And the several persons herein named, shall hereafter be called and known by the names, which, by this act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[Approved by the Governor March 4, 1826.]

CHAP. CLII.

An Act to restrain Public Shows and Theatrical Exhibitions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and*

Power to license.

after the passing of this act, the Selectmen of each town in this Commonwealth, shall have power to license all theatrical exhibitions, and all public shows, and all exhibitions of whatever name or nature, to which admission is obtained on payment of money, on such terms and conditions as to them may appear just and reasonable, and to regulate the same from time to time, in such manner as to them may appear necessary to preserve order and decorum, and to prevent the interruption of peace and quiet. And any person or persons who shall set forth, establish or promote any such exhibition or show, or publish or advertise the same, or otherwise aid or assist therein, without a license so obtained as aforesaid, or contrary to the terms or conditions of such license, or whilst the same is suspended, or after the same is revoked by said Selectmen, and notice given, shall forfeit and pay a sum not exceeding two hundred dollars, to be recovered by indictment before the Supreme Judicial Court, or the Court of Common Pleas for the County in which such offence shall be committed, to the use of this Commonwealth.

Penalty.

Liable to arrest.

SEC. 2. *Be it further enacted,* That it shall be within the power, and it shall be the duty of each and every of the Justices of the Peace within their respective Counties, upon complaint made to any of them upon oath, against any person or persons, violating or offending against this act within the County in which such Justice is commissioned, to cause such person or persons to be stayed or arrested, and to bind him or them to appear at the next Supreme Judicial Court, or Court of Common Pleas, to be held within and for the same County, at the discretion of the Justice, and also to require such person or persons to find sureties for the keeping the peace, and being of good behaviour until the sitting of the Court, before which he is to appear, and commit such person or persons as shall refuse or neglect to recognize and find such surety or sureties.

SEC. 3. *Be it further enacted*, That no license for any show or exhibition shall continue and be in force for a longer term than the time for which such Selectmen shall have been elected to office. And all monies which shall be received for such licenses, (if any) shall be appropriated for the benefit of the poor of the town, in which such licenses shall be granted.

Term of License.

SEC. 4. *Be it further enacted*, That the act entitled "An Act for preventing public Stage Plays, Interludes, and other theatrical entertainments in certain cases," passed on the thirteenth day of March, one thousand eight hundred and six, be and the same hereby is repealed.

Repeal.

[Approved by the Governor, March 4, 1826.]

CHAP. CLIII.

An Act in addition to an Act, entitled "an Act to regulate the Militia of this Commonwealth."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever it shall appear to a Colonel or Commandant of a regiment or separate battalion, that any company under his command, is without any commissioned officer, it shall be the duty of such Colonel or Commandant of a regiment or battalion to issue his orders to the Clerk of said company, if any there be, to return the roll thereof; and if there be no Clerk to said company, then the Colonel or Commandant of such regiment or battalion shall, in writing, require of the Selectmen of the town, or Mayor and Aldermen of any city in which such company is situated, to make out a return to him, within ten

Roll to be returned.

days next after the receipt of such request, a list of the names of all such persons living within the bounds of said company as are by law liable to do military duty. And if any Clerk or Selectmen, or Mayor and Aldermen, to whom such order or request is directed, shall neglect to comply therewith, such Clerk, and each of said Selectmen, or Mayor and Aldermen, so wilfully offending, shall incur a forfeiture, not exceeding one hundred dollars, nor less than fifty dollars, for each and every such neglect, to be recovered in action of the case, at the suit of such colonel or commandant of said regiment or battalion, to the use of the regiment or battalion under his command. And the colonel or commandant of such regiment or battalion, upon receiving such roll, or list of persons liable to do military duty, shall, from time to time, issue his orders to any one or more of the persons, whose names are borne thereon, and liable to do military duty, requiring him or them, in the manner pointed out in the act to which this is in addition, to notify the person named in said order, with such as may live within the bounds of said company, and are by law liable to do military duty therein, to appear at the time and place appointed in said order, for any company inspection, or training, or battalion, regimental, brigade, or division inspection or review, armed and equipped as the law directs. And every person, to whom such orders are directed, who shall refuse, or neglect to execute the same, shall incur a penalty of not more than twenty dollars, nor less than ten dollars, to be sued for and recovered in manner and to the uses aforesaid. And it shall be the duty of the colonel or commandant of said regiment or battalion, at the time and place appointed for the meeting of said company, by his adjutant or some other commissioned officer, specially designated and authorized by him in writing, to command said company, to train and discipline the same, in the same way and manner, and with the like power and authority, that an offi-

Forfeiture.

Required to notify.

Penalty.

cer duly commissioned to command such company might do ; and all neglects of appearance, deficiency of equipments, and unmilitary conduct, shall be punished by the like fines and forfeitures, upon the complaint of the officer thus designated, as they would be subject to upon the complaint of the clerk of a company under the command of officers duly commissioned therein. And upon trial of said complaint, the officer making the same, shall be a competent witness ; and the fines and forfeitures incurred as aforesaid, shall accrue, one moiety thereof to the use of the regiment or battalion within which said company is located, and the other moiety to the complainant ; and any officer having command of such company as aforesaid, who shall omit to make complaint of any neglect or violation of duty as aforesaid, shall be deemed guilty of unofficerlike conduct, and be liable to be tried by Court Martial, and punished accordingly : *Provided however*, that said officer shall have the same power to excuse delinquents for non-appearance, as commanding officers of companies by law have : *And provided also*, that whenever said company, shall elect an officer or officers to be commissioned therein, and such officer or officers, shall be legally qualified, under his or their commission, to discharge the duties of his or their office, and to command said company, the foregoing provisions in relation to said company shall cease and become inoperative, except only as to the collection of any fines or forfeitures, which may have been previously incurred ; and it shall be in the power of the commandant of the regiment or battalion in which said company is situated, at such times as he may deem fit, and it shall be his duty, when thereto requested, in writing, by a majority of the persons liable to enrolment in said company, but not exceeding once in a year, to issue his orders in manner aforesaid, for a meeting of the qualified voters in said company, for a choice of officers, to be commissioned to command them pursuant to the

Liable to fines,
&c.

Appropriation of
fines, &c.

Proviso.

Proviso.

Power of com-
mandant.

provisions of law, any thing herein before mentioned to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That the Selectmen of every town or district, and the Mayor and Aldermen of every city, shall supply, at the expense of such town or district, or of such city, or cause the commanding officer of any company, in which any non-commissioned officer or private, resident in such town, district, or city, shall be duly enrolled, to be supplied with one quarter of a pound of good powder made into blank cartridges, for each non-commissioned officer or private enrolled as aforesaid, whenever such commanding officer's company is ordered to parade for review: *Provided*, such commanding officer makes a written application therefor, stating therein the number of men in his company, resident in such town, district, or city, to be supplied.

Gunpowder to be supplied.

Proviso.

Duty of Judge Advocate.

SEC. 3. *Be it further enacted*, That the Judge Advocates of the several divisions, shall be the regular certifying officers of such copies of papers as may be required for the use of any Court Martial, Court of Inquiry, or Board of Officers, which they shall officially attend; and it shall be the further duty of such Judge Advocates to make up and certify the pay roll of such Courts and Boards of Officers, to the office of the Adjutant General, when the business of the same is completed.

Provisional exemption.

SEC. 4. *Be it further enacted*, That any non-commissioned officer or private of any company raised at large by producing a certificate from the commanding officer of the company to which he belongs, that he does active duty in said company, and keeps himself properly armed, equipped, and uniformed, shall be exempted from all duty in the standing company within whose bounds he may reside.

SEC. 5. *Be it further enacted*, That whenever the office of clerk in any company of militia in this Commonwealth, shall by any means, become vacant, and no non-commissioned [officer] or private,

after being notified by the commanding officer of such company, of his appointment to said office, will accept the same, then it shall be the duty of such commanding officer, and he hereby is authorized and required, to issue his order in writing to any non-commissioned officer or private under his command, requiring him to perform all the duties attached to the office of clerk, except keeping the records: *Provided however*, that such order shall not extend, or be in force for a longer term than ninety days from its date, and it shall be the duty of such non-commissioned officer or private so ordered, to keep a correct account of all delinquencies in the company, on parade days; and to make a true and correct statement of the same in writing to the commanding officer, within twenty-four hours after the company is dismissed on each parade day, during the time of his appointment; and if any non-commissioned officer or private, so ordered, shall neglect or refuse to perform all or any of the duties aforesaid, he shall forfeit not less than ten dollars, nor more than twenty dollars, for each offence, two-thirds to the use of the company to which he belongs, and one-third to the use of such commanding officer, who is hereby authorized to sue for and collect the same, in an action of debt, before any Justice of the Peace in the county where the offender resides.

Proviso.

Duties of Clerk.

Forfeiture.

SEC. 6. *Be it further enacted*, That the records of such company, until the office of clerk in said company shall be regularly filled by the appointment and qualification of one of the Sergeants, shall be kept by the commanding officer thereof, who shall record the order appointing such acting clerk, as aforesaid, and the records so kept shall be evidence of such appointment, and the person so appointed acting clerk, shall not, during the term for which he may be appointed, enlist into any volunteer company, so as to be exempt from the duties and liabilities of such appointment.

Records shall be evidence.

SEC. 7. *Be it further enacted*, That from and

Militia on unincorporated lands

after the passing of this act, the Commander in Chief may issue his order for organizing the militia resident on any unincorporated tract of land within this Commonwealth, either by annexing them to the company or companies in the town or towns adjacent to such unincorporated tract of land, or if their numbers will permit, into a company or companies by themselves; and it shall be the duty of the commanding officer of the regiment or battalion in which any unincorporated tract of land as aforesaid is situated, upon the receipt of such order from the Commander in Chief for annexing the inhabitants on such unincorporated tract of land, liable to do military duty, to a company or companies in the town or towns adjacent thereto, to order the adjutant of his regiment or battalion to enroll the same and make due return of such roll to the commanding officer of the company to which they are respectively annexed, within ten days after he shall have received his order from the commanding officer of his regiment or battalion, that the same may be added to the roll of such company. And the commanding officer of any company, to which an annexment as aforesaid is made, shall cause the names of the persons so annexed to be entered on his roll, and they shall be held subject to all the duties and liable to all the fines and forfeitures, for neglect thereof, as other soldiers in the militia. And if said order from the Commander in Chief shall require the organization of the inhabitants on such unincorporated tract of land liable to military duty into a company or companies, the commanding officer of the regiment or battalion within whose limits such unincorporated tract of land is situated, shall order the adjutant of the regiment or battalion to enroll all such persons residing thereon, as are subject to military duty as aforesaid, and to make due return of the roll, so made out to the commanding officer of said regiment or battalion, within ten days from the date of his order. And it shall be the duty of the commanding officer of such

Libale to fines.

regiment or battalion, upon the receipt of such roll, to proceed in manner pointed out in an act to which this is in addition, to organize such company by choice of officers therein, and if after having had one election for the purpose of organization as aforesaid, it shall appear, that no person chosen as captain, or subaltern thereof, will accept of the same, then the commanding officer of such regiment or Battalion, shall detach his adjutant, or some platoon officer, from his regiment or battalion, to train, muster and discipline such company, and said officer, so detached, is hereby invested with the same power and authority for calling out such company, and for training and disciplining the same as is now vested in the commanding officers of companies of the militia in this Commonwealth; and for any omission or neglect of duty attached to the office of commandant of a company, shall in like manner be liable to be tried by Court Martial and punished accordingly. And it is further made the duty of the officer so detached, to keep the records of said company, to prosecute for and collect, to his own use, all fines and forfeitures for neglect of duty, disobedience of orders, or deficiencies in arms or equipments, in manner pointed out in the thirty fifth section of an act to which this is in addition, for Clerks of companies to collect the same: *Provided always*, that the commanding officer of the regiment or battalion to which such company belongs, may at any time, if thereto requested in writing, signed by a majority of the persons whose names are borne on the roll thereof, call said company together for the choice of officers. And if, at any election as aforesaid, the persons elected to office shall accept thereof, the company shall pass to the command of such officers so elected, commissioned and duly qualified, to discharge the duties of their office, and the records of said company shall be delivered up to them by the officer detached as aforesaid, otherwise it shall remain under the command of an officer detached as aforesaid.

Duty of commanding officer.

Court Martial.

Fines.

Proviso.

Transfer of Command.

SEC. 8. *Be it further enacted*, That if any company on any unincorporated tract of land, after having been once organized as aforesaid, shall from any cause, again become destitute of officers, the same course shall be pursued for disciplining and officering said company, as pointed out in the foregoing section.

Criminals not eligible.

SEC. 9. *Be it further enacted*, That any person who has been, or shall hereafter be convicted of any infamous crime before any Court which has competent jurisdiction of such crime, shall not be eligible to any office in the militia of this Commonwealth.

Notice of acceptance.

SEC. 10. *Be it further enacted*, That when any person shall hereafter be elected to the office of Captain, Lieutenant, Ensign or Cornet, in any company of militia in this Commonwealth, and shall be notified thereof, by the officer presiding at such election, he shall forthwith declare his acceptance, or be considered as declining the office to which he has been elected.

Repeal.

SEC. 11. *Be it further enacted*, That so much of the sixth section of an act entitled, "An act for regulating, governing and training the militia of this Commonwealth," passed in the year of our Lord one thousand eight hundred and ten, as is inconsistent with the provisions of the tenth section of this act, be and the same hereby is repealed.

Professors exempted.

SEC. 12. *Be it further enacted*, That from and after the passing of this act, all Professors and Students of any Medical Institution in this Commonwealth, while actually attending the same, shall be exempted from performing military duty.

[Approved by the Governor, March 4, 1826.]

CHAP. CLIV.

An Act to incorporate the Pawtucket Calico Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Wilkinson, Jabel Ingraham, Barney Merry, and Simmons L. Hale, with such other persons as already have, or hereafter may, associate with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the Pawtucket Calico Manufacturing Company, for the purpose of manufacturing calico, and other cotton goods, and for such purposes shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition to the same.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of two hundred thousand dollars, and such personal estate, not exceeding the sum of two hundred thousand dollars, as may be necessary and convenient for the purposes contemplated in this act of incorporation.

May possess real and personal estate.

[Approved by the Governor, March 4, 1826.]

CHAP. CLV.

An Act, in addition to an Act, entitled "an Act to incorporate the President, Directors and Company of the Sunderland Bank."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Sunderland Bank, be, and they are, hereby, authorized to issue bills from said bank, at any time, to the amount of their capital stock, actually paid in, instead of half that amount, as now provided.

[Approved by the Governor, March 4, 1826.]

CHAP. CLVI.

An Act to incorporate the Proprietors of the First Baptist Meeting House in Lowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Artemas Young, William D. Mason, Nathan Oliver, and others who have associated, or may hereafter associate, with them, for the purpose of building a meeting house, their successors and assigns, be, and they are, hereby, made a corporation and body politic, by the name of The Proprietors of the First Baptist Meeting House in Lowell, and by that name may sue and be sued, and may have a common seal, and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient, for the government of said corporation:

Association
granted.

Provided, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth; and may purchase and hold real estate, the annual income of which shall not exceed two thousand dollars; and the shares of the said corporation shall not be less than fifty, nor more than one hundred, in number.

Proviso.

May hold property.

SEC. 2. *Be it further enacted*, That a meeting of said corporation shall be holden annually, on the second Monday of March, at which meeting the said Proprietors shall, by ballot, elect five Trustees, one of whom shall be President, and any three of whom shall constitute a quorum for transacting business, a Treasurer, who shall also be collector, and a Clerk, who shall respectively be sworn to the faithful discharge of the duties of their offices, and at all meetings of said corporation, each proprietor, or his agent, duly authorized, in writing, shall have a right to vote, and be entitled to as many votes as he holds shares: *Provided*, no person shall be entitled to more than ten votes; and any Justice of the Peace in the county of Middlesex is hereby authorized to issue his warrant to some one of the said proprietors, for the purpose of calling their first meeting, for the organization of said corporation; at which meeting the said proprietors shall agree on the method of calling future meetings.

Annual election.

Proviso.

First meeting.

SEC. 3. *Be it further enacted*, That whenever any proprietors shall refuse or neglect to pay any tax or assessment, duly voted and agreed on, by said corporation, for the purposes thereof, to the Treasurer, within sixty days after the same shall be made payable, the said Treasurer, being thereunto directed by the said Trustees, may sell, at public vendue, the share, or shares, of such delinquent proprietor, to defray said tax, and necessary charges, after posting notice of the time, and place, and cause of such sale, at two or more public places, in said town, at least thirty days previous to such sale, and a certificate of the same under the hand of the President and Clerk of said corporation,

Assessments.

May sue.

shall transfer all the right, title and interest of such delinquent, in the share or shares thus sold to the purchaser. And if the said share, or shares, so sold, shall sell for more than the taxes or assessments thereon due, and charges, the overplus shall be paid over to such delinquent proprietors, by the Treasurer, on demand; or the said Treasurer may, by the direction of the said Trustees, and in the name of said corporation, sue and prosecute, to final judgment and execution, any such delinquent proprietor, for any tax or assessment, due on any share or shares, of such delinquent proprietor.

[Approved by the Governor, March 4, 1826.]

CHAP. CLVII.

An Act to incorporate the President, Directors and Company of the Mercantile Bank.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Winn, jun. Larkin Thorndike, Michael Shepherd, David Pingree, William E. Parker, George Nichols, S. W. Shepherd, Joseph Howard, Francis Boardman, Timothy Bryant, jun. their associates, successors and assigns, be, and they are, hereby, created a corporation, by the name of The President, Directors and Company of the Mercantile Bank, and shall so continue, from the passage of this act, until the first Monday of October which will be in the year of our Lord, one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an*

act entitled, "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said bank, at any one time, shall not exceed the amount of capital stock actually paid in. Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of two hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct; fifty per centum, however, to be paid in on, or before, the first day of July next, and the residue within one year from the passing of this act; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable, in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the President, or two of the Directors, and to loan and negotiate their monies and effects, by discounting, on banking principles, on such securities as they may think advisable: *Provided however*, that nothing herein contained Amount of capital.

May hold estate.

Proviso.

Proviso.

Oath required.

shall restrain or prevent said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation ; and *Provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed, and actually paid in, and existing in gold and silver, in the vaults, shall amount to one hundred thousand dollars ; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the Governor ; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Location of bank.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in Salem ; and the whole number of Directors shall be nine ; and a majority of the Board shall be inhabitants of said town ; and no loan or discount shall be made, nor shall any bill or note be issued, by the said corporation, or by any person, on their account, in any other place than at the said bank.

Loan.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments,

or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in. Proviso.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in two newspapers, printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary: *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and the choice of the first Board of Directors, and such other officers as they shall see fit to choose. May call meeting.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum, not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the Legislature, made and established. Proviso.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have the right, from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right. Legislature may subscribe.

Directors may be appointed.

Give bond.

SEC. 8. *Be it further enacted*, That the Cashier of said bank, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Tax.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Made liable.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration; and shall also be holden to pay to any bona fide holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said bank, or of any other bank incorporated within this commonwealth, for any less sum than the nominal value expressed in such bill or note.

SEC. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

SEC. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year, from the passing of this act.

SEC. 13. *Be it further enacted*, That any committee, specially appointed for that purpose, by the Legislature, shall have a right to examine into the

doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 4, 1826.]

CHAP. CLVIII.

An Act in relation to a House of Correction in the County of Essex.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Court of Sessions in and for the County of Essex, be, and they are, hereby, authorized and empowered, to provide for making use of so much of any one or more of the County Prisons, in said County, as at their discretion may appear to be necessary, for the purposes of a House of Correction; and to transfer thereto any persons now confined in the present House of Correction in said County.

[Approved by the Governor, March 4, 1826.]

CHAP. CLIX.

An Act to establish the Pawtucket and Taunton Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Oliver Starkweather, Elijah Ingraham, Ebenezer Tyler, Edward Walcott, Samuel Green, James C. Starkweather, David Bucklin, and Otis French, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the Pawtucket and Taunton Turnpike Corporation, for the purpose of making a turnpike road from the corner of the road opposite Otis French's house, in Seekonk, near the village of Pawtucket, in the County of Bristol, in the most direct and convenient way through a part of Seekonk and Rehoboth to Taunton Green, and shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an act entitled "An Act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto.

Persons incorporated.

[Approved by the Governor, March 4, 1826.]

CHAP. CLX.

An Act to incorporate the Suffolk Hotel Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Bordman, William Lawrence, Jeremiah Fitch, Charles B. Shaw, and Nathaniel Hammond, and all such persons as may associate with them, as proprietors, their successors and assigns, shall be, and hereby are, constituted a body politic and corporate, by the name of the Suffolk Hotel Company ; and by that name may sue and be sued, defend and be defended, in any courts of records, or other place whatsoever ; and shall and may do and suffer all matters, acts, and things, which bodies politic may do and suffer ; and may make, have, and use a common seal, and the same at pleasure break, alter and renew, and ordain, and put in execution, such by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their affairs ; and for the breach of such by laws, ordinances, and regulations, may order fines and penalties, not exceeding ten dollars for every breach : *Provided*, That such by-laws, ordinances, and regulations shall not be repugnant to the laws of this Commonwealth.

Persons incorporated.

May have seal.

Proviso.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same is, declared capable to hold, have and possess, in fee simple, or otherwise, all, or any part of that real estate, in the city of Boston, bounded easterly, on Hanover-street, there measuring one hundred and fifty feet, thence running westerly to Sudbury-square, there measuring one hundred and fifty feet : *Provided*, The said corporation shall acquire the same by legal grant from the lawful proprietors thereof ; and said cor-

May hold real estate.

Proviso.

Proviso.

poration shall have power to grant, sell and alien, in fee simple or otherwise, the said corporate property, or any part thereof, and to lease, manage, and otherwise improve the same according to their will and pleasure, and by such forms of conveyance and contract as shall by their by-laws be provided: *Provided further*, That the building to be erected on Hanover-street shall always be kept as a public Hotel, and for no other purposes, except the lower story of the same fronting on said street; the residue of said estate to be occupied and improved as a livery stable, and other purposes not incompatible with the provisions of this act.

SEC. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the back of the certificate, recorded by the clerk of the corporation in a book to be kept for that purpose, and shall be liable to attachments on mesne process, and sale on execution, in the manner and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies.

Estate, &c. liable
to attachment.

SEC. 4. *Be it further enacted*, That the real estate, and other property of said corporation, shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

Assessments.

SEC. 5. *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement, and good management of their estate; and for erecting, repairing, or altering buildings, or for the incidental ex-

penses of the corporation, and to sell or dispose of the shares of any delinquent proprietor, for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations determine and agree upon.

SEC. 6. *Be it further enacted*, That, in all meetings of the stockholders in said corporation, each member shall be entitled to one vote for each share held by him.

Right to vote.

SEC. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertising in any newspaper printed in Boston, three times, the first not less than three days before the time appointed for such meeting; and the corporation at their first meeting, and afterwards annually, on such day as shall be established by the by-laws, shall choose a President, Clerk, and such other Directors or officers, as they may see fit, which clerk shall be under oath; they may also agree upon the mode of calling future meetings.

First meeting.

Annual choice of officers.

SEC. 8. *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it, shall be binding on each one and all of those persons, individually, who shall be stockholders in said corporation, when such contracts respectively are made, and on their respective heirs, executors, and administrators, in the same manner as if such covenants or contracts had been made in debts contracted by such stockholder or stockholders in his or their individual capacity.

Contracts individually binding.

SEC. 9. *Be it further enacted*, That the Legislature shall have authority to alter, amend, or repeal this act, at any time after the expiration of twenty years.

Legislature may alter, &c.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXI.

An Act to incorporate the President, Directors and Company of the Andover Bank.

Persons incorpo-
rated.

Rules, &c.

Proviso.

Amount of capi-
tal.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Farrar, Joseph Kitteridge, Amos Abbot, Nathaniel Swift, Amos Spaulding, Henry Skinner, Francis Kidder, Hobart Clark, Mark Newman, their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of The President, Directors and Company of the Andover Bank, and shall so continue, from the passing of this act, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities which are contained in an act entitled, "An act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *Provided however,* that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum, however, to be paid in on or before, the first day of July next, and the

residue within one year from the passing of this act; and no dividend shall be declared, on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable, in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of, and convey the same, by deed, under the seal of said corporation, and signed by the President or two of the Directors, and to loan and negotiate their monies and effects, by discounting, on banking principles, on such securities as they may think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to said corporation; and *Provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver, in the vaults, shall amount to fifty thousand dollars, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been, bona fide, paid in by the stock-

Mode of transfer.

May hold estate.

Proviso.

Proviso

Commissioners.

Certificate.

holders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Location of bank.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in Andover; and the whole number of Directors shall be nine, five of whom shall constitute a quorum for transacting business; and a majority of the Board shall be inhabitants of said town; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person, on their account, in any other place than at said bank.

First meeting.

SEC. 4. *Be it further enacted*, That the persons herein before named, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in one of the newspapers printed in Boston, and one printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary: *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and the choice of the first Board of Directors, and such other officers as they shall see fit to choose; and at said meeting, and at all subsequent meetings of the stockholders, all matters shall be determined by the major votes of the persons present at such meeting, who are stockholders, or who, by authority, in writing, represent stockholders.

Proviso.

Majority.

SEC. 5. *Be it further enacted*, That, whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per

centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in.

Proviso.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

Legislature may subscribe.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have the right, from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right.

Directors may be appointed.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

Give bond.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the

Tax.

amount of stock which shall have actually been paid in.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any bona fide holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Liable to pay, &c.

SEC. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

Charter, how forfeited.

SEC. 12. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Committee have a right to examine, &c.

SEC. 13. *Be it further enacted*, That any committee, specially appointed for that purpose, by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXII.

An Act incorporating the Hingham Mutual Fire Insurance Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Isaiah Wilder, Seth Cushing, David Whiton, John Beal, Edward Wilder, Martin Fearing, Elpalet Loring, James Stephenson, Samuel Sprague, Seth Cushing, jun. Joseph Cushing, Jotham Lincoln, Elijah Whiton, 2d, Pyam Cushing, Matthew Burr, Benjamin Andrews, Moses Whiton, Leavitt Souther, Wilson Whiton, Moses Sprague, jun. Hawkes Loring, Levi Corthel, jun. Jacob Groce, William Gorden, Martin Leavitt, Loring Corthel, Thomas Fearing, Fearing Loring, John Fearing, Benjamin Thomas, Thomas Loud, David Andrews, Welcome Lincoln, Atson Studley, Caleb Hobart, jun. Elijah D. Wild, Jedediah Lincoln, David Harding, and their associates, shall be a corporation by the name of the Hingham Mutual Fire Insurance Company, and possess all the powers and privileges incident to such corporations for twenty-eight years.

Persons incorporated.

SEC. 2. *Be it further enacted*, That said Corporation shall choose a number of Directors, not less than five, and such other officers as they shall judge necessary, and establish such by-laws as they may deem necessary, not inconsistent with the Constitution and Laws of this Commonwealth; in all matters decided in any general meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

Directors to be chosen.

SEC. 3. *Be it further enacted*, That when the sum subscribed by the associates to be insured shall amount to the sum of fifty thousand dollars, said corporation shall then be authorized to insure for

the term of one to seven years, any dwelling house or other building in the town of Hingham, to any amount not exceeding three quarters of the value of the property insured.

Appropriation of funds, &c.

SEC. 4. *Be it further enacted*, That the funds of the Corporation shall be vested in stocks, or loaned on such security as the Directors may order, and the funds shall be appropriated, first, to pay the expenses of the Corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim against the Corporation, exceeding the amount of their then existing funds, the Directors shall, without delay, assess such sums as may be necessary, on the members, which assessment shall be in proportion to the amount of his premium or deposit, but shall not, in any case, exceed double the amount of said premium and deposit.

Execution on private property.

SEC. 5. *Be it further enacted*, That whenever any member shall recover judgment, and the Directors shall neglect to satisfy and pay the same within sixty days after demand made for that purpose upon the Treasurer, Clerk, or any Director of said Corporation; then the execution issuing upon such judgment may be levied upon the private property of any of said Directors, to the amount of the excess of the funds of the Corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgments previously demanded; and any Directors who may have their property taken, may sustain an action on the case to recover compensation therefor of the Corporation, or a proportional part thereof, and contribution therefor of the other Directors.

Liable to pay assessment, &c.

SEC. 6. *Be it further enacted*, That as each member of this Corporation is liable to pay such assessments as the Directors shall order, and likewise to pay his deposit note, given for his premium, now to secure the payment of the same, it is here-

by provided, that a policy of insurance shall, of itself, without any other ceremony whatever, create a lien on any dwelling house or building insured, and on the land under it: *Provided*, said policy shall express the intention of the Corporation, of relying on such lien; this provision shall not prevent the Corporation from taking any other kind of collateral security.

Proviso.

SEC. 7. *Be it further enacted*, That in case it shall become necessary to resort to such lien as is before provided, it shall be the duty of the Treasurer, before he attempts to compel payment by selling the insured premises, first to demand payment of the insured, and, in case of his decease, of his legal representatives, and likewise of the occupant of the insured estate; in case payment is not thereupon made, said Corporation may then sustain an action on the case against the insured, or his legal representative, for any sum due either on a deposit note, or by assessments, and the execution which may issue thereon may be levied on the insured premises; and the officer making the levy, may sell the whole or part thereof at public auction, giving the same notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution; and the insured shall likewise have a right to redeem the estate thus sold within one year, by first paying to the purchaser, or his assigns, the amount for which the estate shall be thus sold, and interest on such amount, at the rate of twelve per cent per annum.

Duty of Treasurer.

Right of redemption.

SEC. 8. *Be it further enacted*, That whenever the term of any policy shall expire, the member of said Corporation holding such policy, shall have a right to demand of said Corporation his just proportion of all the funds of said Corporation.

SEC. 9. *Be it further enacted*, That said Corporation shall be liable to be taxed by any general law of the Commonwealth. Any two members

Liable to be taxed.

First meeting.

named in this act may call the first meeting, by giving notice thereof in one or more public places in the town of Hingham.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXIII.

An Act in addition to an Act, entitled “an Act imposing a duty on Sales at Auction,” and the Acts in addition thereto.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of April next, in lieu of all duties heretofore imposed by law on sales at Auction or public Vendue of stocks of the United States, of the several States, of shares of the stock of incorporated Banks, Insurance and Manufacturing Companies, there shall be paid one-tenth of one per centum on the amount of such sales, any thing in the act or acts to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXIV.

An Act to incorporate the Proprietors of the Newburyport Bridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That James Prince, John Wood, Stephen Frothingham, and such others as have associated with them, and their successors and assigns, be, and they hereby are constituted and made a body politic and corporate, by the name of the Proprietors of the Newburyport Bridge, and by that name may sue and be sued, to final judgment and execution; may have a common seal, and the same at pleasure break and annul.*

Persons incorporated.

SEC. 2. *Be it further enacted, by the authority aforesaid, that said proprietors be, and they hereby are authorized and empowered at any time within three years next after the passing of this act, but not afterwards, to erect a Bridge over and across Merrimack River, at some convenient point between the westerly side of Kent street, and the easterly side of Market street in Newburyport, to some convenient point in the town of Salisbury; said Bridge to be not less than thirty six feet wide, from outside to outside, with arches measuring in all not less than seven hundred and fifty feet in the clear, none of which arches shall be less than one hundred feet, and one of which shall be at least one hundred and fifty feet long; the lowest part of each arch over the channel to be at least fifteen feet high above common high water. There shall also be a draw not less than thirty eight feet wide for the accommodation of vessels, and other river craft having a mast or masts higher than will readily pass under the draw, to be opened at all times on demand, free from expense or toll, and a suitable pier on each side of the Bridge at the draw;*

Mayerect Bridge

Draw.

Bridge to be light-
ed.

and upon the draw there shall be one lamp, and over the centre of the highest arch there shall be one lamp; and said bridge shall be sufficiently lighted. And said bridge shall also be covered with timber or plank, in all parts where timber or plank are necessary; and at all times kept in good repair, and safe for passengers with their teams, or otherwise, where the weight to be carried over does not exceed four tons; and shall also be railed with a good railing on both sides thereof, not less than three and a half feet high, for the safety and security of passengers, and for the accommodation of persons who may have occasion to pass vessels through the bridge, from one side to the other. Said proprietors shall place, and at all times keep placed, one good anchor above, and one below said draw, with a buoy to facilitate the passage through the bridge.

May make road.

Damages.

SEC. 3. *Be it further enacted*, That said Proprietors be, and they hereby are authorized and empowered, to lay out and make a road four rods wide from their bridge on the Salisbury side, to the county road leading to the east meeting house in said Salisbury, at the expense of said proprietors; said Corporation to be held liable for all damages to be sustained by any person or persons whose land is taken for said road; the amount of damage, if the parties cannot agree, to be ascertained in the way prescribed by law for damages sustained by individuals, whose lands are taken for public roads; and it shall be the duty of said Corporation, at all times to keep said road in good repair, and convenient and safe for all having occasion to use it. And there shall be a sufficient path way on the side of the bridge for foot passengers, and there shall be a fence on each side of the road or causeway.

SEC. 4. *Be it further enacted*, That for the purpose of reimbursing said proprietors, the money they may expend in building and supporting said bridge and road, they be, and hereby are authorized and empowered to take and receive, for passing

over said bridge, the same tolls which the Essex Merrimack Bridge are authorized and empowered to take, said toll to commence on the first day when said bridge and road are opened for passengers, and to continue for the term of forty years next after and no longer; but after that time said bridge shall revert to, and become the property of the Commonwealth, and be surrendered by the proprietors for the time being in good repair.

Toll.

SEC. 5. *Be it further enacted,* That the shares in said bridge and road shall be deemed personal property, and divided into one thousand shares, and liable to be taken on mesne process or execution; as the property of the owner or owners thereof, in the same way and manner as is now by law provided for taking the share or shares of individuals in Banking Corporations.

Shares

SEC. 6. *Be it further enacted,* That said proprietors shall be held to pay, to the owners of lands in Newburyport and Salisbury, such damages as they may sustain by reason of the erection of said bridge upon their lands, and the passing of said road leading to said bridge, over their lands.

Damages.

SEC. 7. *Be it further enacted,* That after the expiration of thirty years, the Legislature shall have a right to regulate the tolls to be taken at said bridge.

SEC. 8. *Be it further enacted,* That any Justice of the Peace in the County of Essex, on the application of any three of the proprietors, be, and hereby is authorized, to call the first meeting; and said proprietors at their first meeting shall elect a Clerk, to record the transactions of the Corporation, who shall be sworn to the faithful performance of the duties of his office, and shall at all times keep a fair record of their doings; and shall also choose five directors, one of whom shall be President of the Corporation, and, as such, elected by the Board of Directors. The first meeting shall be called by printing an advertisement thereof in some public newspaper printed in Newburyport, at least

First meeting

Proviso.

six days before the time appointed for holding said meeting; at which time, or at any future meeting, said proprietors may agree upon the mode of calling future meetings; and may make such rules regulations and by-laws as they may think meet, and may annex penalties thereto, not exceeding five dollars. *Provided*, such rules, regulations and by-laws shall in no way be repugnant to the Constitution, or laws of the Commonwealth.

SEC. 9. *Be it further enacted*, That nothing in this act contained shall preclude said proprietors from making any of the aforesaid arches higher or wider.

Assessments.

SEC. 10. *Be it further enacted*, That the Directors be, and they hereby are authorized to make, from time to time, such assessments on the shares of the proprietors, as may be found necessary to make and complete said bridge, or to make any repairs of the same : and if the owner of any share or shares, shall refuse or neglect, for the space of twenty days after notice, to pay such assessment, the Treasurer for the time being, may cause the share or shares of such delinquent stockholders to be sold at public auction, for the payment thereof, first giving notice of the time and place of sale, four days at least, and not more than twenty days, previous to the time appointed; and the balance, if any, arising from such sale, after paying the assessment, and all reasonable charges, shall be paid over to the owner or owners of such share or shares on demand.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXV.

An Act to incorporate the President, Directors and Company of the Cambridge Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James P. Chaplin, Benjamin Bigelow, John Trowbridge, William Hilliard, Eliab W. Metcalf, and Israel Porter, their associates, successors and assigns, shall be, and hereby are, created a Corporation, by the name of the President, Directors and Company of the Cambridge Bank ; and shall so continue, from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *Provided* Persons incorporated. *however,* that the amount of bills issued from said bank shall not exceed the amount of capital stock actually paid in. Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of [one] hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum, however, to be paid in on or before the first day of June next, and the residue within one year from the passing of this act ; and Amount of capital. Shares.

Mode of transfer.

May hold estate.

Provido,

Proviso.

Commissioners.

no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of ten thousand dollars and no more, at any one time, with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, or security for, or in payment of any debts due to the said corporation; and *provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to fifty thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective

shares, and not for any other purpose ; and that it is intended therein to remain, as a part of said capital ; and to return a certificate thereof to the Governor ; and no stockholder shall be allowed to borrow any money of said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Cambridge, and village of Cambridgeport; and the whole number of Directors shall be nine, and a majority of the Board shall be inhabitants of said town ; and no loan or discounts shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said bank.

Location of bank.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, said corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided* however, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Loan.

Proviso.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth ;

First meeting.

Officers chosen.

and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Commonwealth may subscribe.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding one half the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature appoint Directors.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said bank, if at any time hereafter they shall see fit to exercise that right.

Cashier give bond.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with condition for the faithful discharge of his office.

Shall pay to Commonwealth, &c.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock actually paid in.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any bona fide

holder the amount of any note of said bank, counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in said bill or note.

Made liable.

SEC. 11. *Be it further enacted*, That in case this act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

SEC. 12. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this act.

Limitation.

SEC. 13. *Be it further enacted*, That any committee, specially appointed, by the Legislature, for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined, by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall, thereupon, be declared to be forfeited and void.

Commissioners

[Approved by the Governor, March 4, 1826.]

CHAP. CLXVI.

An Act in addition to an act entitled, "An Act to incorporate the President, Directors and Company of the Union Bank, in the town of Boston."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Union Bank, in Boston, incorporated on the twenty third day of June, in the year of our Lord, one thousand eight hundred and twelve, be, and they are, hereby, authorized to have and to hold real estate, exclusive of mortgages, to the value of one hundred and fifty thousand dollars, any thing in the act to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXVII.

An Act to incorporate the Boston Tract Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Tappan, Henry Homes, David Hale and James Clap, and their associates be, and they are, hereby, incorporated and made a body politic, for the purpose of distributing Religious Tracts, by the name of the Boston Tract Society, with power to make by-laws, consistent with the laws of the Commonwealth, for the admission of other associates, for the regulation of said society, and the preservation and applica-

Persons incorpo-
rated.

tion of its funds, to have a common seal, to make contracts, to sue and be sued, to receive by subscription, gift, demise, purchase, or otherwise, any estate, real, personal, or mixed, and the same hold, occupy, lease, or sell and dispose of, for the sole benefit of said society: *Provided*, the same shall not exceed thirty thousand dollars. Seal.

SEC. 2. *Be it further enacted*, That James Clap be, and he is, hereby, authorized to call the first meeting of the said Society, by giving public notice of the time and place, in one or more newspapers, printed in Boston, at least three days prior to such meeting. First meeting.

SEC. 3. *Be it further enacted*, That this act shall be in force for the term of twenty years, and no longer.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXVIII.

An Act in addition to an Act to incorporate the President, Directors and Company of the Asiatic Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the President, Directors and Company of the Asiatic Bank be, and they hereby are, authorized and empowered to increase their present capital stock, by an addition of three hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in in such instalments, and at such times, and shall be so disposed of as a majority of the stockholders, at any legal meeting, may direct and determine: *Provided however*, that the sum added to the capital May increase Stock.

Proviso.

stock, by virtue hereof, shall be paid in within twelve months from the passing of this act.

Liabie to be
taxed.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions as the capital stock of said corporation is now liable to, by virtue of the act to which this is in addition.

Proviso.

SEC. 3. *Be it further enacted*, That the said President, Directors and Company be authorized, whenever the same shall be voted at any legal meeting called for that purpose, to increase the number of Directors of said Company to any number not exceeding twelve: *Provided however*, it be done within twelve months from the passing of this act.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXIX.

An Act to incorporate the Proprietors of West India Wharf, in the City of Boston.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Foster, Leonard Foster, and Charles C. Foster, all of Boston aforesaid, and their associates, successors and assigns, be, and they hereby are, constituted a body politic and corporate, by the name of The Proprietors of the West India Wharf; and the said corporation, by the same name, are hereby declared and made capable, in law, to sue and be sued, to plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws, for the regulation and management of their property, consistent with the

laws of the Commonwealth, and generally to do and execute whatever, by law, shall appertain to bodies politic.

SEC. 2. *Be it further enacted*, That the said corporation be, and hereby is, declared capable to have, hold, and possess the following real estate, in the City of Boston, whenever the lawful proprietors thereof shall legally convey the same to the said corporation, to wit : a piece of land, wharf and dock, bounded westerly on a forty foot passage way, in a line with Broad Street, two hundred and thirty-four feet, more or less, northerly on a town passage way and dock, lying between Rowe's Wharf and Foster's Wharf, to the channel; easterly on the channel, three hundred thirty-seven feet, more or less, and southerly on Burkstead and Harris's ship, or graving yard, or however otherwise the said estate may be bounded, together with all the rights, privileges and appurtenances thereof; and the said corporation shall have power to sell, grant, alien and convey, in fee simple, or otherwise, their corporate property, or any part thereof, and lease, manage and improve the same, according to the will and pleasure of said corporation, to be expressed at any legal meeting.

May hold estate.

May sell.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into two hundred shares in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors, according to the interests and portions which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President of the corporation and issued to the proprietors accordingly; and such shares shall, in all respects, be considered as personal estate, and shall be transferable by endorsement on said certificates, and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof, by the clerk of the corporation, and new certificates shall be issued accordingly.

Shares.

Transfer.

Assessments.

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary, for the improvement and good management of the corporate estate, not exceeding, in the whole, five hundred dollars on each share. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after thirty days notice, to the highest bidder; and after deducting the amount assessed, and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to receive a certificate of the same.

Limitation.

Proviso.

SEC. 5. *Be it further enacted*, That the real estate which the said corporation shall have and hold at any time, by virtue of this act, shall not exceed, in value, the sum of two hundred thousand dollars; and in all meetings of the members of said corporation, each proprietor shall be entitled to one vote for every share held by him in said corporation; but no one proprietor shall have more than ten votes: *Provided always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds, at least, in number of votes of those present, or represented at said meeting, nor unless public notice shall have been given, at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act by proxy, in writing, at any meeting.

First meeting.

SEC. 6. *Be it further enacted*, That either of them the said William, Leonard, or Charles C. Foster, may call a meeting of said corporation, by advertising the same in any newspaper printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such meeting, agree on the mode of calling future meetings; and

shall elect a President and Clerk, and may elect all such other officers as said corporation may think fit for conducting and managing the corporate affairs and estate, and the same may change and remove, as said corporation shall see fit.

May choose officers.

SEC. 7. *Be it further enacted,* That said corporation shall continue and be in force for the term of twenty years from the time of the passage of this act, unless sooner repealed by the Legislature.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXX.

An Act further to provide for the Instruction of Youth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That each town in this Commonwealth, shall, at the annual March or April meeting, choose a School Committee, consisting of not less than five persons, who shall have the general charge and superintendence of all the public schools in said town; and it shall be the duty of said committee, to visit the schools in said town, which are kept through the year, at least once a quarter, for the purpose of making a careful examination of the same, and to see that the scholars are properly supplied with books; also, to inquire into the regulation and discipline of such schools, and the proficiency of the scholars therein; and it shall also be the duty of said committee to visit each of the district schools in said town, for the purposes aforesaid, on some day during the first week of the commencement thereof, and also on some day during the last two weeks of the

School Committee to be chosen, and the duty thereof.

Committee to visit schools.

same ; and it shall further be the duty of one or more of said committee to visit all the schools in the town, at least once a month, for the purposes aforementioned, without giving previous notice thereof to the instructors. And it is hereby further made the duty of said committee, to require full and satisfactory evidence of the good character and qualifications of said instructors, conformably to the laws now in force relating to the subject ; or to require them to furnish such other evidence of character and qualifications, as shall be equally satisfactory to said committee ; and no instructor shall be entitled to receive any compensation for his service, who shall teach any of the schools aforesaid, without first obtaining from said committee a certificate of his fitness to instruct.

Further duty of committee.

SEC. 2. *Be it further enacted*, That the school committee of each town shall direct and determine the class books to be used in the respective classes, in the public district and town schools of the town ; and the scholars sent to such schools shall be supplied by their parents, masters, or guardians, with the books prescribed for their classes ; and the school committee of each town shall procure, at the expense of the town, and to be paid for out of the town treasury, a sufficient supply of such class books for the public district and town schools, and give notice of the place or places where such books may be obtained : and such book shall be supplied to scholars at such prices as merely to reimburse to the town the expense of procuring the same ; and in case any scholars shall not have been furnished by his or her parent, master, or guardian, with the requisite books, every such scholar shall be supplied therewith by the school committee, at the expense of the town, and the school committee shall give notice, in writing, to the assessors of the town, of the names of the scholars so supplied by them with books, of the books so furnished, the prices of the same, and the names of the parents, masters, or guardians, who

Books furnished.

ought to have supplied the same ; and said assessors shall add the amount of the books so supplied, to the next annual tax of the parents, masters, or guardians, who ought to have supplied the same : and the amount so added shall be levied, collected, and paid into the town treasury, in the same manner as the public taxes : *Provided however,* that Proviso. in case such assessors shall be of opinion that any of such parents, masters, or guardians are not able, and cannot afford, to pay the whole expense of the books so supplied on their accounts respectively, such parents, masters, or guardians shall be exonerated from the payment of the whole, or a part of such expense, and the said assessors shall omit to add the amount of such books, or shall add only a part thereof, to the annual tax of any such parent, master, or guardian, according to the proportion of such expense, which such parent, master, or guardian shall, in their opinion, be able and can afford to pay.

SEC. 3. *Be it further enacted,* That all questions arising in any district respecting the removal or the changing the scite of the district school-house, and also, where any district shall be divided by any town, all questions arising respecting the division of the district property or funds, except the property or funds accruing from donations or voluntary grants, and also, all questions arising as to the contribution or compensation to be made by the party retaining any of the estates or property of the district so divided, shall be determined in the same manner, and by the same proceedings, as are provided to determine the scite of a district school-house, by an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred, in addition to the act to which this is in addition. Scite of school-house.

SEC. 4. *Be it further enacted,* That this act shall be in force on and after the first Monday of April next ; and all provisions of former acts, inconsist- When to be in force.

ent with the provisions of this act, are hereby repealed.

Report to Secretary.

Subject of report.

SEC. 5. *Be it further enacted*, That the school committee, in the city of Boston, and in the several towns in this Commonwealth, be, and they hereby are, required to report to the Secretary of this Commonwealth, on the first day of June, of each year, for three years next ensuing, the amount of money paid in their respective city or towns, each preceding year, for the instruction of youth, designating, as far as is convenient or practicable, the amount paid for the instructors of public schools, the number of academies and private schools, the estimated amount of compensation of the instructors of academies and private schools, the number of school districts into which said city or town is divided, and the length of time in said year, during which, the several schools were kept in said town, the number of pupils, male and female, designating those of each sex under seven years of age, between seven and fourteen, and over fourteen; and also, what number of children, living in said city or towns respectively, over seven years of age, and under fourteen, do not attend school, and whether there are any, and what number of persons over fourteen years of age, and under twenty-one years of age, who have had a right to education in the public schools in this Commonwealth, who are unable to read or write; and that they further report, what is the average annual expense of school books for each pupil in the public schools of their said city or town, and whether there are any, and what number of children prevented from attending school by reason of such expense.

SEC. 6. *Be it further enacted*, That the Secretary of this Commonwealth furnish to each town and city in this Commonwealth a blank form of return in manner following:

RETURN

OF THE

SCHOOL COMMITTEE OF

CONCERNING SCHOOLS IN SAID TOWN.

NUMBER OF PUPILS IN THE TOWN SCHOOLS.

Females.

From 14 up-
wards.

From 7 to 14.

Under 7.

Males.

From 14 and
upwards.

From 7 to 14.

Under 7
years.

Time of keep-
ing schools in
the year.

No. of public
school dis-
tricts.

Amount paid
for public in-
struction.

Number of per-
sons over 14 years
unable to read &
write.

Number of per-
sons prevented
by expense of
school books.

Number of chil-
dren from 7 to
16 not attend-
ing school.

Expense of school
books for each
pupil in town
schools.

Estimated am't
of private tui-
tion fees.

Estimated num-
ber of pupils in
private schools.

Number of acad-
emies and pri-
vate schools.

School Committee.

Att.

CHAP. CLXXI.

An Act in addition to an Act directing the method of laying out Highways.

Commissioners.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That for each county in the Commonwealth, except the counties of Suffolk and Nantucket, there shall be appointed and commissioned, by His Excellency the Governor, by and with the advice and consent of the Council, to hold their offices for five years, unless sooner removed by the Governor and Council, five Commissioners of Highways, except in the counties of Dukes and Barnstable, in which there shall be appointed only three, who shall be inhabitants of such county, and who shall be sworn to the faithful discharge of the duties of their trust, one of whom shall be designated as Chairman by his commission, and whenever any vacancy shall happen in said board of Commissioners, by death, resignation or otherwise, such vacancy shall be filled by the Governor and Council.

Power to hold meetings.

SEC. 2. *Be it further enacted*, That when a new highway or common road, from town to town, or place to place, shall be wanting, or when any highway or common road, already laid out, stated and established, may with convenience be turned, altered or discontinued, application therefor shall, by petition in writing, be made to the said commissioners alone, any three or more of whom shall have power to hold meetings for the purpose of receiving the said petitions, and performing all the duties prescribed by this act, at such time or times, place or places, as they shall see fit, upon giving reasonable notice thereof.

SEC. 3. *Be it further enacted*, That the said commissioners, upon said petition being preferred, shall

proceed to view the route of the highway mentioned in the same, if they shall deem such view proper, having first given reasonable notice to all persons and corporations interested, of the time and place of such view, and after such view, and hearing of the parties, shall have power to order and determine upon the making, altering, turning or discontinuing such highway, or any part thereof, and shall also estimate the damages, if any, which any person or corporation shall sustain in his, her, or their real estate, by means of such highway being made, altered, turned or discontinued, and make return of their doings in the premises, with an accurate plan or description of the highway so made, altered, turned or discontinued, to the next Court of Sessions, to be holden after such service shall be performed, to the end that the same may be there recorded and known and recognized as a highway: *Provided however*, that said commissioners, before they proceed to lay out or alter any highway, shall adjudge the same to be of common convenience and necessity.

Damages.

Proviso.

SEC. 4. *Be it further enacted*, That the commissioners shall have power, and it shall be their duty, to cause all roads located by them, to be constructed and finished to the acceptance of the said commissioners, in such manner as will best promote the public interest, and all expenses thus incurred shall be certified by the commissioners to the Court of Sessions, who shall draw the warrant in favour of the party building the same, which warrant shall be satisfied out of the treasury of the county, and all acts, decisions and orders, whether they relate to the location, construction or discontinuance of any roads, shall be returned to the Court of Sessions, and the same be recorded in said Court.

Commissioners' duty.

SEC. 5. *And be it further enacted*, That the several counties in this Commonwealth shall pay the damages sustained by any person or corporation, in his, her or their real estate, by laying out, altering or discontinuing of any highway, as aforesaid, and for

Proviso.

the construction of the same, and any person or body corporate, aggrieved by the doings of said commissioners, shall have like remedies and processes, as are provided in the several acts to which this is in addition, in the same way and manner as if this act had not been passed: *Provided*, that all roads laid out, but not worked at the time this act takes effect, shall be subjected to the supervision and review of the commissioners aforesaid, and the said commissioners shall have all the powers, and the counties subjected to all the liabilities, in reference to such roads, as are provided for new roads by this act: *Provided also*, that all business in relation to the laying out, alteration or discontinuance of county roads, now pending in the several Courts of Sessions, together with all the papers thereto relating, shall be transferred to said commissioners, who shall proceed therein agreeably to the provisions of this act.

Compensation.

SEC. 6. *Be it further enacted*, That for all services done by virtue of this act, each of the said commissioners shall receive at the rate of three dollars per day, and one dollar for every ten miles travel, and the petitioners shall pay the said commissioners at the same rate, for all services rendered in taking a view or otherwise, in case the said commissioners shall decide against the prayer of said petition.

Proviso.

SEC. 7. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same are, hereby, repealed: *Provided*, that this act shall not affect the right of the Selectmen of towns, or the Mayor and Aldermen of City of Boston, to lay out and make roads within their towns or said City, in the same manner as heretofore, when the same shall be deemed expedient.

SEC. 8. *Be it further enacted*, That this act shall take effect from and after the first day of July next.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXII.

An Act to alter the time for holding the Court of Sessions in the County of Franklin.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the term of the Court of Sessions, now by law established, to be holden at Greenfield, within and for said county of Franklin, on the second Tuesday of September, shall be holden on the first Tuesday of September annually, any law to the contrary notwithstanding.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXIII.

An Act in addition to an Act, entitled "an Act for the punishment of Fornication, and for the maintenance of Bastard Children."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That when any man shall have been imprisoned ninety days, for failing to comply with any order of Court to find sureties, as provided in the second section of the act to which this is in addition, he shall be entitled to the benefit of the act, entitled "an Act for the relief of Poor Prisoners who are committed by execution for Debt," passed on the nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty-seven, and the several

Proviso.

acts in addition thereto: *Provided*, such prisoner shall procure the service of a notification of the time and place appointed for him to take the oath prescribed for poor debtors, to be served on the Town Clerk of the town in which the child, of which he has been adjudged the reputed father, has its legal settlement, if there be such town in the Commonwealth, and on the mother of said child, if living in the Commonwealth, thirty days before the time appointed for administering the oath; *And provided also*, that said town, or the mother of said child, shall, at all times after such prisoner shall have been liberated from prison, by taking said oath, have a right to recover, by action of debt, in any Court proper to try the same, any money which ought to have been paid to them respectively by said prisoner, in pursuance of said order of Court.

Proviso.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXIV.

An Act to incorporate the Quinnabaug Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Henry Fiske, and Lyman Fiske, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a Corporation, by the name of the Quinnabaug Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in Sturbridge; and shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained

in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an Act defining the general powers and duties of Manufacturing Corporations," and in the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding one hundred and fifty thousand dollars, as may be necessary and convenient for carrying on their business.

May hold real
and personal es-
tate

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXV.

An Act to incorporate the Cape Cod Fire and Marine Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Freeman Baker, Edward B. Hallet, Charles Hallet, Seth Killey, Zeno Killey, David K. Akin, Oliver Hallet, Ichabod Sherman, Roland Lewis, Caleb Reed, Oren Howes, Henry Thacher, Lewis Crowell, Ansel Hallet, Nathan Hallet, and Randel Hallet, with their associates, successors, and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Cape Cod Fire and Marine Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "an Act to define the powers, duties and restrictions of Insurance Companies," passed on

Persons incorpor-
ated.

Powers granted.

Charter limited.

May sue and be
sued, &c.May hold real and
personal estate.

the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "an Act authorizing the several insurance companies of this Commonwealth to insure against fire," passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty, for and during the term of twenty years, after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said Company: *Provided*, the said real estate shall not exceed the value of twelve thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Company, exclusive of premium notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ninety days after the first meeting of said Company, and the residue shall, within twelve months from the passing of this act, be secured by a deposit of stock of some bank within this Commonwealth, or shall be paid in money in such sum or sums, and at such time or times, (the last payment not to exceed twelve months from the passage of this act) and under such penalties, as the said President and Directors shall, in their discretion, direct and appoint; and so much of the said capital stock of said Company as shall be paid in money as before provided, shall, within six months from the time the same is paid in, be invested according to the provisions of "an Act to define the powers, duties, and restrictions of Insurance Com-

panies," passed the sixteenth day of February, Anno Domini one thousand eight hundred and eighteen.

SEC. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders in said Company, and citizens of this Commonwealth, and shall be elected on the first Monday of January annually, at such time of the day, and in such place in Yarmouth, as the Directors, for the time being, shall direct; of which election public notice shall be given in any newspaper printed in the county of Barnstable, or any newspaper printed in the city of Boston, ten days, at least, previous to the meeting, and the election shall be made by ballots, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided*, that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe; and if, by any accident or mistake, the Directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided; and it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in Yarmouth as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of Directors.

Directors to be stockholders.

Proviso.

Secretary to call a meeting.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall be

Vacancies may
be filled.

sworn or affirmed to the faithful performance of the duties of his office, and who shall preside for one year; and in case of death, resignation, or inability to serve, of the President, or any Directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified, and held, in the same manner as is herein before provided respecting annual elections of Directors.

Majority.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks and servants employed, and the election of the Directors, and all such matters as appertain to the business of insurance; and who shall have power to appoint a Secretary and so many clerks, for carrying on the said business, and with such salaries and allowances to them and to their President, as to the said Board shall seem meet; *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Proviso.

Call a meeting.

SEC. 6. *Be it further enacted*, That any five of the persons named in this act, are hereby authorized to call a meeting of said company, by advertising the same in any newspaper printed in the county of Barnstable, or in the New England Palladium, printed in the city of Boston, fourteen days at least before the day on which the choice is to be made, for the purpose of electing their first Board of Directors, who shall remain in office until the first Monday of January next, and until others

shall be elected in their stead: *Provided however,* Proviso. that this charter shall be void and of no effect unless put in operation, agreeably to the terms of it, within one year from and after the passing of this act: *And provided also,* Proviso. that said company shall not take any risk, or subscribe any policy by virtue of this act, until one moiety of the capital of said company shall have actually been paid in or secured in manner before provided.

SEC. 7. *Be it further enacted,* That the said company shall never take, on any one risk against fire Limitation. or other risks, or loan on respondentia or bottomry, on any one bottom, at any one time, including the sum insured in any other way on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, or secured agreeably to the provisions of this act.

SEC. 8. *Be it further enacted,* That said Insurance Company shall be located and kept in the town of Yarmouth. Location

SEC. 9. *Be it further enacted,* That said Insurance Company shall be liable to be taxed by a Liabie to be taxed. general law providing for the taxation of all similar corporations.

SEC. 10. *Be it further enacted,* That the capital stock of said company shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year after this charter shall be put into operation as aforesaid. Capital stock shall not be sold, &c.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXVI.

An Act relating to Jurors in the Counties of Dukes
County and Nantucket.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever, in the selection of Jurors in the Counties of Dukes County and Nantucket, in the manner now prescribed by law, it shall appear by the endorsement on the ticket, that the person whose name is borne on said ticket, has served as a Juror within two years, the name of such person shall be returned into the box; and no person shall be eligible to serve as a Juror more than once in two years, unless such person shall be returned by the Sheriff, *de talibus circumstantibus*, to complete the pannel.

Jurors excused
&c.

SEC. 2. *Be it further enacted,* That the number of persons whose names shall be kept in the Jury Box, shall not exceed one for every forty persons in the County of Nantucket, and one for every thirty persons in the several towns in Dukes County, computing by the last Census which may have been taken next before the preparing the box.

SEC. 3. *Be it further enacted,* That an act passed February twenty fifth, in the year of our Lord one thousand eight hundred and twenty five, entitled "an act relating to Jurors," be and the same is hereby repealed, so far as regards the Counties of Dukes County and Nantucket.

Repeal.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXVII.

An Act to regulate damages on foreign Bills of Exchange.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any Bill of Exchange drawn or endorsed within this Commonwealth, after the first day of April next, payable without the limits of the United States of America, or the territories thereof (not including places in Africa, beyond the Cape of Good Hope, Asia or the islands thereof) upon being duly presented for acceptance or payment, shall not be accepted or paid, according to the tenor of such bill or the terms of the acceptance thereof, (if any,) every person drawing or endorsing such bills as aforesaid, who shall be liable by law for the contents of said bill, to any holder thereof or party thereto, shall, on due notice, and demand thereof, pay the contents of such bill at the current rate of exchange at the time of demanding payment of such drawer or endorser, and damages at the rate of five per centum, upon the contents of such bill, together with interest on the said contents, to be computed from the time when such bill shall have been refused acceptance or payment, (as the case may be,) which shall be in full of all damages, charges and expenses. Damages, &c.

SEC. 2. *Be it further enacted,* That whenever any Bill of Exchange, drawn or endorsed as aforesaid, payable at any place beyond the Cape of Good Hope, in Africa, Asia, or the Islands thereof, shall be refused acceptance or payment as aforesaid, every person, drawing or endorsing such bill as aforesaid, who shall be liable by law for the contents of such bill to any holder thereof, or party thereto, shall, on due notice and demand thereof,

pay the contents of such bill, at the par value thereof, together with twenty per centum thereon, in full of all damages, interest and charges, unless a special contract shall have been made to the contrary.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXVIII.

An Act to incorporate the President, Directors and Company of the Leicester Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Clapp, John Richardson, James Smith, John A. Smith, Henry Sargent, Joseph D. Sargent, John Davis, Austin Flint, and Thomas Denny, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Leicester Bank, and shall so continue until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled, "an act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of the capital stock actually paid in.*

Persons incorpo-
rated.

SEC. 2. *Be it further enacted*, That the Capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, with such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, viz.—one fourth part thereof on the first day of June next, one fourth part thereof on or before the first day of August next, one fourth part on or before the first day of November next, and one fourth part on or before the first day of February next, and no dividend shall be declared on the capital stock of said Bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess and enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars, and no more at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles on such security as they may think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount as security for, or in payment of, any debts due to the said corporation: and *provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital

Amount of capital.

May hold property.

Proviso.

Proviso.

Commissioners.

subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults: and to ascertain, by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said Bank, and towards the payment of their respective shares, and not for any other purpose; and that it is intended therein to remain, as a part of said capital; and to return a certificate thereof to the Governor. And no stockholder shall be allowed to borrow money at said Bank, until he shall have paid in his full proportion of said capital stock, as hereinbefore provided and required.

Location of bank.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in Leicester; and the number of Directors shall be nine, five of whom shall be necessary to constitute a quorum for the transaction of business; a majority of the Directors shall always be residents in said town, and all of them in the County of Worcester; and no loan or discount shall be made, nor shall any bill or note be issued by the said corporation, or by any person on their account, in any other place than at the said Bank.

Loan

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any time, reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to said corporation, with-

out their consent, for a larger sum than twenty per centum of their capital stock paid in.

SEC. 5. *Be it further enacted*, That the persons hereinbefore named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Worcester, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary : *Provided*, the same be not repugnant to the Constitution and laws of this Commonwealth ; and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

First meeting

Provide.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth a sum not exceeding fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management, as shall be by the Legislature made and established.

Commonwealth may subscribe.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation in manner hereinbefore provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of Directors to said Bank, in proportion as the sum paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Directors may be appointed.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty

Cashier to give bond.

thousand dollars, with conditions for the faithful discharge of his office.

SEC. 9. *Be it further enacted*, 'That the said corporation from and after the first day of October next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first day of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Liabie to pay &c.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder the amount of any note counterfeited, unless all the notes actually issued by said corporation, shall be printed or impressed with the stereotype plate; and that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said bank, for any less sum than the nominal value expressed in such bill or note.

Charter how forfeited.

SEC. 11. *Be it further enacted*, That the capital stock of said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act. And in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Committee may examine &c.

SEC. 12. *Be it further enacted*, That any committee, specially appointed by the Legislature, for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and, after a full hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or

conditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXIX.

An Act to incorporate the North Market Street Warehouse Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin P. Homer, John D. Williams, Daniel P. Parker, Henry Rice, Amos Lawrence, Abbott Lawrence, and Isaac McLellan, and all such persons as may associate with them as proprietors, their successors and assigns, shall be, and hereby are, constituted a body politic and corporate, by the name of The North Market Street Warehouse Company; and by that name may sue and be sued, defend and be defended in any Courts of Record, or other place whatsoever, and shall, and may, do and suffer all matters, acts and things which bodies politic may do and suffer; and may make, have and use a common seal, and the same at pleasure break, alter and renew, and ordain and put in execution, such by-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their affairs; and for the breach of such by-laws, ordinances and regulations, may order fines and penalties not exceeding ten dollars for every breach: *Provided*, that such by-laws, or-
dinances and regulations, shall not be repugnant to the laws of this commonwealth.

Person incorpo-
rated.

Provide.

May hold estate.

Provided.

Shares.

Liable to attachment.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same is, declared capable to hold, have and possess, in fee simple, or otherwise, all, or any part of that real estate in the City of Boston, bounded west on the Roe-buck passage way, south on North Market Street, east on the new street leading from Long Wharf, by the end of the New Market House, to Mill Creek, north on Mill Creek and the City's land : *Provided*, the said corporation shall acquire the same by legal grant, from the lawful proprietors thereof ; and said corporation shall have power to grant, sell and alien, in fee simple, or otherwise, the said corporate property, or any part thereof, and to lease, manage, and otherwise improve the same, according to their will and pleasure, and by such forms of conveyance and contracts as shall, by their by-laws, be provided.

SEC. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the form of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable, by assignment on the back of the certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachments on mesne process, and sale on execution, in the manner, and according to the form of the statutes, making provision for the attachment and sale of shares of debtors, in incorporated companies.

SEC. 4. *Be it further enacted*, That the real estate and other property of said corporation, shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

SEC. 5. *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders, such sums of money, not

exceeding, in the whole, three hundred dollars on each share, for the purchase, improvement and good management of their estate, and for erecting, Assessments repairing and altering buildings, or for the incidental expenses of the corporation, and to sell or dispose of the shares of any delinquent proprietor, for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations, determine and agree upon.

SEC. 6. *Be it further enacted*, That in all meetings of stockholders, in the said corporation, each member shall be entitled to one vote for each share held by him.

SEC. 7. *Be it further enacted*, That either of the First meeting. persons named in the first section of this act, may call the first meeting of said corporation, by advertising in any newspaper printed in Boston three times; the first not less than three days before the time appointed for such meeting; and the corporation, at their first meeting, and afterwards, annually, on such day as shall be established by the by-laws, shall choose a President, Clerk, and such other Directors or officers, as they may see fit; which Clerk shall be under oath; they may also agree upon the mode of calling future meetings.

SEC. 8. *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it shall be binding on each one and all of those persons individually, who Individuals liable. shall be stockholders in said corporation, when such contracts respectively are made, and on their respective heirs, executors, and administrators, in the same manner, as if such covenants and contracts had been made on debts contracted by such stockholder or stockholders, in his or their individual capacity.

SEC. 9. *Be it further enacted*, That this act shall continue in force twenty years from the passing thereof, after the expiration of which term the same may be repealed at the pleasure of the Legislature: *Provided*, that in case of such repeal, the lands and Provided.

tenements of said corporation shall be vested in the stockholders, at the time of such repeal, and their heirs, as tenants in common, in proportion to their respective interest in the premises.

SEC. 10. *Be it further enacted*, That this act may be amended, revised and terminated at the pleasure of the Legislature.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXX.

An Act providing for taxing Salt Works.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, all "Salt Works," for the manufacturing of salt, shall be included with and be assessed in like manner as other taxable property.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXXI.

An Act authorizing the United States to purchase a site for a Marine Hospital, in the town of Chelsea.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the consent

of this Commonwealth be, and hereby is, granted to the United States, to purchase a tract of land, not exceeding ten acres, which shall be found necessary for the Marine Hospital to be built in Chelsea, in the county of Suffolk, and may hold the same during the continuance of the use and appropriation aforesaid: *Provided*, that this Commonwealth shall retain and does hereby retain, concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal process, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner, as though this consent had not been granted as aforesaid: and *Provided further*, that all persons, who may remove upon the tract of land hereby authorized to be purchased as aforesaid, shall be deemed and taken to be inhabitants of the town of Chelsea, in the same way and manner as they would have been had they removed into any other part of said town, and shall there do the duty and receive the same privileges as other inhabitants of Chelsea, saving that they shall not be liable to serve on juries, or do military duty.

U.S. may purchase, &c.

Proviso.

Proviso.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXXII.

An Act concerning Juvenile Offenders in the City of Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the City Council of the City of Boston, be, and hereby are, au-

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thorized to erect a building in said city, for the reception, instruction, employment and reformation of such Juvenile Offenders, as are hereinafter named ; or to use for these purposes the House of Industry, or Correction, at South Boston, or any other house or building belonging to said city, that the City Council may appropriate to these uses.

Powers granted.

SEC. 2. *Be it further enacted*, That the Directors of the said House of Industry, or such other persons as said City Council shall appoint Directors of said house, for the employment and reformation of Juvenile Offenders, shall have power, at their discretion, to receive and take into said house all such children who shall be convicted of criminal offences, or taken up and committed under and by virtue of an act of this Commonwealth, "for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons," and who may, in the judgment of any Justice of the Supreme Judicial Court, sitting within and for the county of Suffolk, or of the Judge of the Municipal Court of the city of Boston, or of any Justice of the Police Court, within and for the city of Boston, be proper objects therefor ; and upon the conviction or commitment aforesaid, of any child, in the judgment of such Judge or Justice a proper object for the said house of employment and reformation, the said Judge or Justice, previously to declaring the sentence of the law on such child, shall cause notice to be given to the Directors of the said house ; and in case the said Directors shall declare their assent to the admission of such child into said house, the said Judge or Justice shall sentence him or her to be committed to said house of employment and reformation, subject to the control of the Directors thereof, in conformity with the provisions of this act.

Notice to be given.

SEC. 3. *Be it further enacted*, That any Justice or Judge of either of the said courts respectively, on the application of the Mayor, or of any Alderman of the city of Boston, or of any Director of the

House of Industry, or House of Reformation, or of any Overseer of the Poor, of said city, shall have power to sentence to said house of employment and reformation all children who live an idle or dissolute life, whose parents are dead, or if living, from drunkenness, or other vices, neglect to provide any suitable employment, or exercise any salutary control over said children. And the persons thus committed, shall be kept, governed and disposed of, as hereinafter provided, the males till they are of the age of twenty-one years, and the females of eighteen years.

Mayor, &c. may sentence.

SEC. 4. *Be it further enacted*, That the Directors of said House of Industry, or such other persons as said city council shall appoint Directors of the institution, authorized by this act, may receive the persons sentenced and committed as aforesaid, into said institution ; and they shall have power to place the persons committed to their care, the males until they arrive at the age of twenty-one years, and the females until they arrive at the age of eighteen years, at such employments, and to cause them to be instructed in such branches of useful knowledge, as shall be suitable to their years and capacity ; and they shall have power to bind out said minors as apprentices or servants, until they arrive at the ages aforesaid, to such persons, and at such places, to learn such arts, trades, and employments, as in their judgment will be most for the reformation, amendment, and future benefit and advantage of such minor. And the provisions of an act, entitled an act providing for the relief and support, employment and removal of the poor, and for repealing all former laws made for these purposes, passed the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and ninety-four, contained in the fourth, fifth and sixth sections thereof, so far as they relate to binding out children as servants or apprentices, are adopted as a part of this act ; and the Directors specified in this act shall have all the powers, and be subject to all the du-

Authorized to place at service.

Rights, &c.

ties, of the Overseers of the Poor, as set forth in the sections aforesaid, of the act aforesaid ; and the master or mistress, servant and apprentice, bound out as aforesaid, shall have all the rights and privileges, and be subject to all the duties, set forth in the sections aforesaid of the act aforesaid.

Discharge.

SEC. 5. *Be it further enacted*, That whenever said Directors, Overseers, or Managers, shall deem it expedient to discharge any minor, committed to their charge as aforesaid, and not bound out as a servant or apprentice, and shall recommend the same in writing to the court by whom such minor was committed, said court shall have power to discharge him or her from the imprisonment or custody aforesaid.

Transfer.

SEC. 6. *Be it further enacted*, That the said Judge or either of the said Justices, on the application of either of the persons mentioned in the third section of this act, shall have power to order the transfer of any child committed to the common gaol, or the House of Correction, and inmates of the same at the time of passing this act, to the said house for the employment and reformation of Juvenile Offenders, to be received, kept or bound out by the Directors thereof in conformity with the provisions of this act.

Number of Houses.

SEC. 7. *Be it further enacted*, That it shall be lawful for the said city council, at their discretion, to establish within said city, two or more Houses of Correction, to be Houses of Correction for the county of Suffolk ; and it shall be lawful for the Mayor and Aldermen of said city to transfer persons held under sentence in either of said houses, to any other of said houses, when, in their opinion, the health, moral improvement, or beneficial employment of such persons will be promoted thereby.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXXIII.

An Act to incorporate the Granite Railway Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas H. Perkins, William Sullivan, Amos Lawrence, David Moody, Solomon Willard, and Gridley Bryant, together with their associates, and such as may hereafter associate with them, and their successors, be, and they are hereby declared to be a corporation, by the name of the Granite Railway Company, for and during the term of forty years from the passing of this act; and by that name may sue and be sued, plead and be impleaded, and may have a common seal, and may make and establish rules, orders and by-laws, not repugnant to the laws of this Commonwealth; and may annex penalties for the breach of such rules, orders, and by-laws; *Provided*, the same shall not exceed ten dollars; and may choose all officers, and appoint all agents necessary and proper to carry into effect the powers and privileges hereby created.

Persons incorporated.

May sue and be sued, &c.

Proviso.

SEC. 2. *Be it further enacted,* That the said Corporation be, and they hereby are, authorized and empowered to purchase, have, and hold land, extending from the furnace lot, so called, in the town of Quincy, and from the ledges of Granite Rock, situate in or near said lot, and extending thence to the tide-waters at any point within said town of Quincy, or within the town of Milton: *Provided*, that if any part of said Railway shall be erected or laid within the town of Milton, the assent of the said town of Milton shall be first obtained: *Provided* the land so purchased, had, and held, be situate northwestwardly of Quincy commons, so called, and of Mount Wollaston: *And provided also*,

Proviso.

Proviso.

Width.

that said land be not of greater extent in width than six rods; and that said Corporation may lay, build, and construct within the same land, any Railways for the transportation of granite stone; and may maintain, repair, and use such railways for and during the term of forty years aforesaid; but the said corporation shall erect, and during said term, keep up and maintain good and sufficient gates where said railways may pass through fences, existing at the time of making said railways.

May purchase land, &c.

SEC. 3. *Be it further enacted*, That the said corporation may purchase, have, hold, and use land, marsh and flats, from high water mark to low water mark, and as much below the latter as may be necessary, of the width of sixteen rods, and connected with the land of six rods in width as aforesaid; and that said corporation may continue their railways in and upon the said land, marsh, and flats, and may therein dig and construct any canals, and erect any buildings or other structures, necessary and convenient for the transportation and carrying stone, and for exercising the powers and privileges hereby given.

Damages.

SEC. 4. *Be it further enacted*, That the said corporation are hereby authorized and empowered to take the said land of six rods in width, and the said land, marsh, and flats of sixteen rods in width, for the purposes and uses by this act intended; and if the said corporation, and the person or persons who may be proprietor or proprietors of the land so taken, do not agree on a compensation for such land, marsh, and flats, nor on commissioners or agents for appraising the same; and if the said corporation and any person or persons, who shall sustain any damage by the execution of the powers hereby given, do not agree in estimating the amount of such damage, nor on commissioners to estimate the same, such person or persons may apply to the Court of Common Pleas, in the county of Norfolk, for a committee to be appointed to appraise the land, marsh, or flats taken, or to esti-

mate the damage aforesaid, as the case may be ; and the said Court shall thereupon give reasonable notice to said corporation to appear, and shew cause, why such committee should not be appointed ; and if no cause be shown, said Court shall appoint a committee of three or five disinterested freeholders, being inhabitants of this Commonwealth ; and such committee shall be sworn, and shall notify both parties of the time and place of executing their commission ; and such committee shall thereupon execute the same ; and shall appraise the land, marsh, or flats, or estimate the damage, if any, or both, as the case may be ; and shall make return of their doings into the same Court as soon as may be, and upon the acceptance of the report by said committee made, the Court shall render judgment thereon, with reasonable costs to the party prevailing : *Provided however*, that either party, after the return of the said report, may claim a trial by jury ; and the Court shall thereupon stay judgment on said report ; and a trial by jury shall be had at the bar of said Court ; and if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of the amount of appraisement, or of the estimate of damages, as the case may be ; or in case it be the original respondent, a decrease of the amount of appraisement, or of the estimate of damages, as may have been awarded by the committee, such party shall pay reasonable costs of the trial by jury ; otherwise, shall recover reasonable costs, and upon any judgment rendered on report of committee, or verdict of jury, the Court may issue execution ; and from any judgment so rendered, neither party shall be allowed to appeal.

Committee

Provido.

Trial by Jury.

Cannot appeal.

SEC. 5. *Be it further enacted*, That the said corporation shall have a right for and during the term of ten years from the passing of this act, to demand and collect a reasonable toll for the conveyance of stone and other property, in their cars and vehicles on said railways, not exceeding twelve per

Toll

centum per annum on the cost of building said railways, and keeping the same in repair; after which term, the said toll may be altered to such reasonable sum as the Legislature may by law deem fit to establish; and any person or persons shall be entitled to have stone carried on the said cars and vehicles at pleasure, on payment of toll as aforesaid.

May bring action.

SEC. 6. *Be it further enacted*, That if the said railways hereby authorized to be constructed, shall, in the course thereof, cross any private way, the said corporation shall so construct said railways as not to obstruct the safe and convenient use of such private way; and if said railways be not so constructed, the party aggrieved shall be entitled to his action on the case in any court proper to try the same; and shall recover his reasonable damages for such injury. And if the said railways shall, in the course thereof, cross any turnpike or other highway, the said railway shall be so constructed as not to impede or obstruct the safe and convenient use of such turnpike or highway; and the said corporation shall have power to raise such turnpike or highway, so that said railways may conveniently pass under the same; and if said corporation shall raise any such turnpike or highway, pursuant hereto, and shall not so raise the same as to be satisfactory to the proprietors of such turnpike, or to the selectmen of the town in which such highway may be situate, as the case may be, said proprietors or selectmen may require of said corporation such alteration or amendment as they may think necessary; and if the required alteration or amendment be reasonable and proper, and the said corporation shall unnecessarily and unreasonably neglect to make the same, such proprietors or selectmen, as the case may be, may proceed to make such alteration or amendment, and may institute and prosecute to final judgment and execution, in any court proper to try the same, any action of the case against the said corporation,

and shall therein recover a reasonable indemnity in damages for all charges, disbursements, labor, and services, occasioned by making such alteration or amendment, with costs of suit.

SEC. 7. *Be it further enacted,* That the said Granite Railway Company may purchase, have, and hold, use and enjoy, real and personal estate, to the amount of one hundred thousand dollars in the whole; and that the corporate property shall be personal estate, and may be divided into shares not exceeding two hundred, and that the evidence of ownership in said corporate property shall be in such form of certificate under the corporate seal, and signed by such officer or officers as the said corporation may agree on.

May hold real and personal estate.

SEC. 8. *Be it further enacted,* That Thomas H. Perkins, or either of the other persons hereinbefore named, may call the first meeting of the corporation by this act created, by advertisement in one or more newspapers printed in Boston, and at that meeting, or any adjourned meeting, the said corporation may be organized, and may proceed to exercise the powers by this act given.

First meeting.

SEC. 9. *Be it further enacted,* That if the said corporation shall not have constructed and put into use, at least one of the railways by this act authorized, within three years from the passing of this act, then, and in such case, this act shall be void.

SEC. 10. *Be it further enacted,* That the Legislature may authorize, at any future time, the establishment of any other railways, within the towns of Quincy or Milton, not incompatible with the existence and convenient use of the railways by this act authorized, the powers, rights, and privileges by this act granted notwithstanding.

Legislature may alter, &c.

SEC. 11. *Be it further enacted,* That the stockholders in said Granite Railway Company, shall at all times be liable, in their persons and estates, for all debts which shall be contracted by said corporation, in like manner, and the legal remedies for the recovery of debts shall be the same as is pro-

Individually liable.

vided for in and by the act, entitled "an Act defining the general powers and duties of Manufacturing Corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

[Approved by the Governor, March 4, 1826.]

CHAP. CLXXXIV.

An Act in relation to Lotteries.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, if any person or persons shall sell, or offer for sale, or shall advertise, or cause to be advertised for sale, any lottery ticket or tickets, or part or parts of any lottery ticket or tickets, or shall draw any lottery not authorized by the laws of this Commonwealth, or aid or assist in drawing any such lottery, or shall be concerned in the management or conducting of any such lottery, within this Commonwealth, he or they shall severally forfeit and pay, to the use of the Commonwealth, a sum not more than one hundred dollars for either of the offences aforesaid, to be recovered by indictment, or information before the Supreme Judicial Court, or Court of Common Pleas, in any county where such offence may be committed, or the Municipal Court in the City of Boston, when such offence shall be committed within the county of Suffolk. And it shall be the duty of the Attorney and Solicitor Generals, and of the several County Attornies within this Commonwealth, within their several counties, to prosecute for all breaches of this act which may come to their knowledge.

Forfeiture.

SEC. 2. *Be it further enacted*, That in any information or indictment now pending before the Supreme Judicial Court, under and by virtue of an act passed the tenth day of February, in the year of our Lord, one thousand eight hundred and twenty-three, entitled, "An Act in addition to an act regulating the management and drawing of lotteries, in certain cases, within this Commonwealth," judgment shall not hereafter be rendered against any defendant for the penalty in said act provided, but shall be rendered for costs only.

[Approved by the Governor, March 4, 1826.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, APRIL 20, 1826.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Acts, as passed by the General Court, at their Session in January, February and March last, and that they appear to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE THIRTY-FIRST OF MAY, AND ENDED ON TUESDAY, THE TWENTIETH OF JUNE, ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX.

CHAP. I.

An Act in addition to an act, entitled “an act to incorporate the Proprietors of the Newburyport Bridge.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Proprietors of the Newburyport Bridge, be, and they are, hereby authorized and empowered to lay out and make a road six rods wide, or less, as the same shall be deemed expedient, but not less than four rods wide, from said Bridge, on the Salisbury side to the county road leading to the East Meeting House in said Salisbury; the damages to be regulated agreeably to the Provisions of the act to which this is in addition.

Powers granted.

Damages regulated.

[Approved by the Governor, June 19, 1826.]

CHAP. II.

An Act in amendment of an Act entitled an Act to incorporate the Calvinistic Congregational Society in Sandwich, in the County of Barnstable.

Repeal

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the second section of the Act, of which this is an amendment, be, and the same is hereby repealed.

[Approved by the Governor, June 19, 1826.]

CHAP. III.

An Act to prevent damage from Firing Crackers, Squibs, Serpents, and Rockets.

Penalty.

How recovered.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of July next, if any person shall have in his possession any cracker, squib, serpent, or rocket, within this Commonwealth, with intent to sell, or with intent to set fire to the same, or if any person shall offer for sale, sell, or give any cracker, squib, serpent or rocket, or if any person shall set fire to any cracker, squib, serpent, or rocket, or shall throw any lighted cracker, squib, serpent or rocket, within the same, without the license of the Mayor and Aldermen of the City of Boston, or of the Selectmen of the several towns in this Commonwealth respectively, first obtained therefor, he shall forfeit for every such offence the sum of five dollars, one moiety to the use of the poor of the city or town in which the offence shall be committed, and the other moiety to the use of the prosecutor, to be re-

covered by action of debt, or by information, before the Justices of [the] Police Court of the City of Boston, or before any Justice of the Peace of the County, in which the offence may be committed, with costs of suit.

SEC. 2. *Be it further enacted*, That an act passed the fourth day of March, one thousand eight hundred and six, entitled "an act to prevent damage from firing crackers, squibs, serpents and rockets within this Commonwealth," be and the same is hereby repealed, from and after the time when this act shall take effect. Repeal.

[Approved by the Governor, June 20, 1826.]

CHAP. IV.

An Act to incorporate the Proprietors of Mills on the Queset and Town Rivers, in the towns of Easton, West Bridgwater and Bridgwater.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Manly, John Williams, Isaac Wendell, Oliver Ames, Elijah Howard, William G. Andrews, Charles Hayden, Joel Drake, Eliphalet Mitchell, Horatio Copeland, James Guild, Calvin Brett, Nathan Lazell, Seth Johnson, Jacob Perkins, Nathan Lazell, jr. Abisha Stetson, Increase Robinson, with their associates and successors, be, and they are hereby made a corporation and body politic, by the name and style of the Proprietors of Mills on Queset and Town Rivers, with all the powers, privileges, and immunities, incident to a Corporation aggregate; and said Corporation is hereby made capable in law, of having, holding, purchasing, and taking in fee simple, by gift, grant, devise, Persons incorporated.

Powers, &c.

May hold estate.

or otherwise, such real estate, not exceeding ten thousand dollars, and such personal estate, not exceeding two thousand dollars, as shall be necessary for the purposes contemplated in this act.

May erect
dams, &c.

Shall pay dam-
ages.

SEC. 2. *Be it further enacted*, That said Corporation shall have full power, liberty and authority to erect and maintain on their own land, or on the land of any person, with his consent, legally obtained, such dams and sluice ways, as may be necessary, or convenient, for the making of a Reservoir or Reservoirs, in the towns of Easton and Stoughton, for the purpose of retaining the water for the use of said Corporation; and said Corporation shall be subject to pay all damages that may arise to any person, by flowing his land for the purposes aforesaid, agreeably to the provision of an act, entitled "an act for the support and regulation of mills, and the several acts in addition thereto:" and shall also be subject to pay all damages that may arise to any person or Corporation from the diversion of said water.

No person shall
remove, &c.

Penalty.

SEC. 3. *Be it further enacted*, That if any person or persons shall wilfully or maliciously take up, remove, dig under, or otherwise injure or destroy, in any manner, said dam or dams, or sluiceways, or any part of them, or shall impede or hinder said proprietors or their agents, in erecting, maintaining or repairing their said dams or sluiceways, or any of them, such person or persons shall forfeit and pay to said Corporation a sum not less than fifty dollars, nor more than one hundred dollars, according to the nature and aggravation of the injury done or committed; and such offender shall be further liable to indictment for such trespass, and on conviction thereof shall be sentenced to pay a fine to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

May have a
seal.

SEC. 4. *Be it further enacted*, That said Corporation shall have a common seal, and be capable in law to prosecute and defend to final judgment and execution, any action, or other process, before

any court, tribunal, or magistrate whatever, and to do and perform all such other acts and things as an aggregate corporation may, or of right can, do; and they shall have power to appoint a President, Clerk, and such other officers and agents, and to make such by-laws and regulations as they may find necessary, provided the same are not repugnant to the laws of this Commonwealth.

SEC. 5. *Be it further enacted*, That any three of the proprietors named in the first section of this act, may call the first meeting of said Corporation, to be holden at such time and place, as they may judge proper, they giving two days previous notice to the other proprietors therein named. *Provided* nevertheless, that it shall be in the power of the Legislature to repeal this act at any time after twenty years.

May call first meeting

Proviso.

[Approved by the Governor, June 20, 1826.]

CHAP. V.

An Act to alter an Act entitled "An Act to incorporate the Liberty Square Warehouse Company."

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the fifth section of an act, entitled "an act to incorporate the Liberty Square Warehouse Company," be, and the same hereby is repealed.

Repeal.

SEC. 2. *Be it further enacted*, by the authority aforesaid, That said Corporation, at any legal meeting thereof, shall have power to apply the rents and profits of any estate of the said Corporation; and the proceeds of any policy or policies

Power granted.

of insurance, effected, or to be effected, on their estates by said Corporation, to the repairing, and rebuilding of any building or buildings injured or destroyed by fire or otherwise.

[Approved by the Governor, June 20, 1826.]

CHAP. VI.

An Act in addition to an act, entitled "An Act to establish a Corporation by the name of the Union Turnpike Corporation."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proviso in the eighth section of the act to establish a Corporation by the name of the Union Turnpike Corporation, which provides that no individual proprietor shall be entitled, in any case, to more than ten votes, be, and the same is hereby repealed.

Repeal.

[Approved by the Governor, June 20, 1826.]

CHAP. VII.

An Act to incorporate the Congregational Society of Salisbury and Amesbury.

SEC. 1. BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Horton, Joshua Aubin, Jacob Brown, John Blas-

Persons incor-
porated.

dell, junior, James Homer, Nathaniel Brown, Daniel Blasdel, and Jonathan Webster, with their associates and such others as shall associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society by the name of the Congregational Society of Salisbury and Amesbury, with all the powers, privileges and immunities to which parishes and religious societies are by law entitled; and subject to all the duties and liabilities to which other religious societies are subject. Powers, &c.

SEC. 2. *Be it further enacted*, That said Society be, and hereby is, authorized and empowered to receive a deed of the land which they have purchased in Amesbury aforesaid, for a scite for a meeting-house, and to hold other real estate to the amount of ten thousand dollars, to sell or lease the pews in said meeting-house, and to give deeds to convey the same. Powers granted.

SEC. 3. *Be it further enacted*, That the persons named in the first section of this act, or either of them, may call the first meeting of said Society by posting up notifications of the time and place of said meeting, in some public places in Salisbury and Amesbury. May call first meeting.

[Approved by the Governor, June 20, 1826.]

CHAP. VIII.

An Act to incorporate the Methodist Episcopal Society of Richmond.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Peter Hackley, Aaron Hackley, and William S. Lead- Persons incorporated.

Powers, &c.

better, with such others as may associate with them, being not less than ten legal voters of any parish, precinct or religious society, and their successors, be, and they hereby are, incorporated into a society by the name of the Methodist Episcopal Society, in Richmond, with all the powers and privileges to which other religious societies are entitled by the Constitution and laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted*, That the first meeting of said society shall be convened by a warrant to be issued by any Justice of the Peace, in the county of Berkshire, directed to any member of said society, requiring him to notify the members of said society, to meet at such time and place as shall be designated in said warrant.

[Approved by the Governor, June 20, 1826.]

CHAP. IX.

An Act in addition to an act passed February the twenty-fourth, A. D. one thousand eight hundred and eighteen, concerning poor prisoners and other persons.

Justices, powers.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any person shall appear for the purpose of taking the poor debtors' oath, and there shall be but one Justice present, the said Justice shall have the same power to adjourn the proceedings. as the Justices now have by the first section of the act to which this is in addition.

Adjournment, &c.

SEC. 2. *Be it further enacted*, That the aforesaid proceedings may be adjourned from the place

appointed to any other within the limits of the gaol yard, when necessity or convenience may require it.

[Approved by the Governor, June 20, 1826.]

CHAP. X.

An Act confirming the proceedings of sundry towns in the choice of School Committees.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every School Committee which has been chosen by any town in this Commonwealth, since the first day of March, in the year of our Lord one thousand eight hundred and twenty-six, to have the general charge and superintendence of all the public schools in said town, shall have, and exercise, during the time for which they were respectively chosen, all the powers and shall perform all the duties, provided for, in and by an act passed on the fourth day of March, in the year of our Lord, one thousand eight hundred and twenty-six, entitled, "An Act further to provide for the instruction of youth;" any thing in said act contained to the contrary notwithstanding.

Powers granted
to Committees.

[Approved by the Governor, June 20, 1826.]

CHAP. XI.

An Act to incorporate the Worcester and Brookfield Iron Foundry.

Persons incor-
porated.

Powers, &c.

May hold real
and personal
estate.

First meeting.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George T. Rice, Henry W. Miller, Samuel B. Rice, Alfred Dwight Foster, Abraham Skinner, John Homans, William A. Wheeler, and Joseph Pratt, with their associates, successors and assigns, be, and they hereby are, made a Corporation by the name of the Worcester and Brookfield Iron Foundry, for the purpose of making and casting iron, in the towns of Worcester and Brookfield, in the county of Worcester; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted,* That the said Corporation may hold and possess such real estate, not exceeding in value the sum of thirty thousand dollars, and such personal estate, not exceeding in value the sum of thirty thousand dollars, as may be necessary and convenient for the purpose aforesaid.

SEC. 3. *Be it further enacted,* That any one of the persons named in this act be, and either of said persons is, hereby authorized to appoint the time and place for holding the first meeting of said Corporation, giving ten days notice thereof to the others, either in person or writing, any thing in the second section of the "Act" aforesaid, de-

fining the general powers and duties of manufacturing corporations to the contrary notwithstanding.

[Approved by the Governor, June 20, 1826.]

CHAP. XII.

An Act respecting the choice and service of Jurors from the town of Chelsea, within the County of Suffolk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That such Juror or Jurors as are now appointed or may hereafter be appointed, by the town of Chelsea, within the County of Suffolk, to serve on the grand jury at the Supreme Judicial Court within the said County of Suffolk, shall be summoned, and shall attend the Municipal Court of the City of Boston, by law to be holden for the County of Suffolk, at the several terms of the same to be holden hereafter, and until other Grand Jurors are appointed and returned at the Supreme Judicial Court; and such Juror or Jurors from the said town of Chelsea, with the other Grand Jurors returned to serve in said Court, are hereby vested with all the powers given by the Constitution and Laws of this Commonwealth to Grand Jurors, touching all matters within the jurisdiction of the said Municipal Court.

Jurors shall attend.

Powers vested.

SEC. 2. *Be it further enacted,* That the said Municipal Court of the City of Boston shall have power and authority to issue writs of venire facias, for the return of one or more Traverse Jurors from the town of Chelsea, conformably to law, whose duty it shall be to attend the said Municipal Court,

Power of Municipal Court.

and to serve in all cases where, by law, trial by jury is required therein. And the said Traverse Jurors, who may be drawn and returned for the respective terms of said Court, held in January, April, July and October, in each year, shall be held and required to serve as such at the said terms respectively, and also at the two terms next succeeding the said respective terms.

SEC. 3. *Be it further enacted,* That the said Grand and Traverse Jurors shall receive for their services in the said Municipal Court, like compensation, and in like manner as such jurors are now by law entitled to. And all sums which shall be paid for the expenses of Grand and Traverse Jurors from said town of Chelsea, shall be charged to the said town, and be assessed upon, and collected of the inhabitants thereof, like other county taxes according to law.

Compensation,
&c.

[Approved by the Governor, June 20, 1826.]

CHAP. XIII.

An Act to incorporate the Mercantile Wharf Corporation, in the City of Boston.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Robert G. Shaw, Samuel S. Lewis, Luther Bixby, John J. Valentine, Benjamin Humphrey, and others, their associates, successors and assigns, be, and they hereby are, constituted a body politic and corporate, by the name of "the Mercantile Wharf Corporation," and the said Corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded,

Persons incor-
porated.

Capable to sue,
&c.

to have a common seal, and the same at pleasure to break, alter and renew; to make rules and by-laws for the regulation and management of the estate hereinafter described, and for the prudent management of their affairs, consistent with the laws of this Commonwealth, and generally to do and execute whatever by law does or may appertain to bodies politic and corporate, within the meaning and intent of this act.

May have seal,
make rules and
by-laws.

SEC. 2. *Be it further enacted*, That the said Corporation be, and the same hereby is, declared and made capable in law, to have, hold and possess, by fee simple, lease-hold, or otherwise, all or any part of that certain real estate, situate in said Boston, bounded as follows:—northwesterly by Ann Street, southwesterly on the southwesterly side of the Mill Creek and the City Wharf, southeasterly by Long Wharf, and that line continued to the channel, and northeasterly by the channel and the northeasterly side of Lewis' Wharf, together with all the rights, privileges and appurtenances thereof: *Provided*, the lawful proprietors thereof shall legally convey the same to said Corporation; and the said Corporation shall have power to sell, grant and alien in fee simple, or otherwise convey, their corporate property, or any part thereof, within said described limits, and to lease, manage, and improve, build, rebuild, pull down or alter the same; also to remove, construct, erect, repair or alter any buildings, wharf or wharves, docks, streets or passage-ways, within said limits, according to their will and pleasure, by such forms of conveyances and contract as shall by their by-laws be provided.

May hold estate.

Estate named.

Proviso.

Power to sell,
&c.

SEC. 3. *Be it further enacted*, That said proprietors, at any legal meeting, may agree upon the number of shares into which said estate shall be divided, and agree upon the forms of certificates to be given to the proprietors, which shares shall be deemed and considered as personal estate, and shall be transferable by assignment on the

Number of
shares.

Shares transferable.

Shares liable
to attachment.

back of the certificate, recorded by the clerk of the Corporation in a book to be kept for that purpose; and shall be liable to attachment on mesne process, and sale on execution, in the same manner, and according to the form of the statutes making provision for the attachment and sales of shares of debtors in Corporate Companies.

Property liable
to attachment.

SEC. 4. *Be it further enacted*, That the real estate, and other property of said Corporation, shall be liable to be attached on mesne process, and to be set off and sold on execution, against the Corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process; and the said Corporation shall possess the right in equity of redeeming the same appertaining (by the laws of this Commonwealth) to other real estate.

Power to assess.

SEC. 5. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole three hundred dollars on each share, for the purchase, improvement, and good management of their estate, and for removing, constructing, erecting, repairing or altering any buildings, wharf or wharves, docks, streets, or passage-ways on the land within said described limits, or for the incidental expenses of the said Corporation, or for the improvement and management of the corporate estate, agreeably to the true intent of this act; and in case any proprietor shall refuse or neglect to pay any assessment, the said Corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction to the highest bidder, after thirty days notice to be given, by publication thereof in one or more newspapers printed in said Boston; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to receive a certificate of the same.

Shares sold in
case of neglect.

SEC. 6. *Be it further enacted*, That in all meetings of the members of said Corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said Corporation. But no one proprietor shall ever be entitled to more than twenty votes: *Provided always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least, in number, of votes of those present or represented at said meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in said Boston; proprietors may appear and act by proxy in writing, at any meeting.

Number of
votes.

Proviso.

SEC. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said Corporation by advertisement in any newspaper printed in said Boston, three times, the first to be not less than six days before the time appointed for such meeting; and the Corporation, at their first meeting and afterwards annually, on such days as shall be established by the by-laws, may choose a President, Clerk, and such other directors or officers as they may see fit, for conducting their corporate affairs and estate; the Clerk to be sworn before entering on the duties of his office.

May call first
meeting.

Choose a President,
&c.

SEC. 8. *Be it further enacted*, That said Corporation shall continue and be in force for the term of twenty years from the time of the passage of this act, unless sooner repealed by the Legislature.

[Approved by the Governor, June 20, 1826.]

CHAP. XIV.

An Act to establish the Boundary Line between the towns of South Hadley and Granby, in the county of Hampshire.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the boundary line between the towns of South Hadley and Granby in the county of Hampshire, shall forever be known, fixed and established as follows, viz :—Beginning at a pine tree, now a boundary between said towns, standing in the northerly line of the town of Springfield, thence running north seven degrees west to Stony Brook, then down said Brook on the line of 1768, until it intersects a line running from said pine tree north, eleven degrees west, to Church's road, thence on said line of north eleven degrees west to Church's road, thence running north, five degrees twenty-nine minutes east, six hundred and ten rods, to the county road leading from South Hadley meeting house, over Mount Holyoke, to the town of Amherst, passing west of the dwelling house of Eleazer Nash and Nathaniel Nash, between the house lot of said Nash's, and the lot of Seth Moody, where the corners of said lots meet on said road, to the north side of the same road, thence following said road on the north and westerly side thereof to the southerly line of Amherst. The said town of South Hadley, being on the westerly side of said line, and the town of Granby being on the easterly side of said line. And the above described line shall forever hereafter be fixed and established to be the true boundary line between the said towns, in all respects, and to all intents and purposes, any law or usage to the contrary notwithstanding.

Boundary Line.

[Approved by the Governor, June 20, 1826.]

CHAP. XV.

An Act in addition to an act, entitled, "An act to incorporate the Congregational Church and Society of Pitts Street, in Boston."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the name of the Congregational Church and Society of Pitts Street, in Boston, shall be changed, and the said Corporation shall take, and ever after bear, the name of the Congregational Church and Society of Green Street, in said Boston. Name changed.

[Approved by the Governor, June 20, 1826.]

CHAP. XVI.

An Act in addition to an act, entitled, "An act to erect Derby School, in the North Parish in Hingham, into an Academy by the name of Derby Academy."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of the sixth section of an act, passed on the eleventh day of November, in the year of our Lord one thousand seven hundred and eighty-four, entitled, "an act for establishing a School in the North Parish of Hingham, by the name of the Derby School," and for appointing and incorporating Trustees of the said

School, as provides, that the principal preceptor of the said School, for the time being, shall always be one of the said Trustees, be, and the same is hereby repealed.

Repeal.

[Approved by the Governor, June 20, 1826.]

CHAP. XVII.

An Act in addition to an act, passed in the year of our Lord one thousand eight hundred and twenty-five, entitled, "an act to establish the Third Congregational Precinct in Rochester, Middleborough and Freetown."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the act to which this is in addition shall have the same force and effect, to all intents and purposes, as if the title had been, "an act in addition to an act, entitled, an act to incorporate a number of the inhabitants of the towns of Rochester and Middleborough, in the county of Plymouth, and of Freetown, in the county of Bristol, into a separate precinct, by the name of the Congregational Precinct in Rochester, Middleborough, and Freetown;" and that the first section of said act have the same effect as if the word, "third" were not in the same.

SEC. 2. *Be it further enacted,* That any receipt given by the Trustees of said Precinct, or a quorum of them, shall be a conclusive discharge for any donation, claim or demand given, bequeathed, or due to said precinct.

[Approved by the Governor, June 20, 1826.]

CHAP. XVIII.

An Act to provide for filling vacancies in the
Boards of Directors of Banks.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any vacancy has happened, or may hereafter happen, in any Board of Directors of any Bank incorporated in this Commonwealth, it shall be lawful for the Stockholders of such Bank to proceed to fill such vacancy, fourteen days notice being given for the calling of any meeting therefor.

Vacancies, how
filled.

SEC. 2. *Be it further enacted,* That all elections of Directors, for the filling of vacancies, made by the Stockholders of any Bank incorporated in this Commonwealth, be, and they hereby are, made valid in law, to all intents and purposes, provided public notice shall have been given of the meeting therefor in the usual manner.

Elections, how
valid.

[Approved by the Governor, June 20, 1826.]

CHAP. XIX.

An Act to incorporate the First Universal Society in Duxbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Wait Wadsworth, James Weston, jun. Joseph P. Bosworth, William Sampson, and Henry B. Sampson, and all other persons who now are, or hereafter may be,

Persons incor-
porated.

Powers, &c.

associated with them, and their successors, shall be, and they hereby are created and established as a religious society and body politic and corporate, by the name of the First Universalist Society in Duxbury, with all the powers, privileges, and immunities, and subject to all the liabilities of parishes and other religious societies, according to the constitution and laws of this Commonwealth.

Power to assess.

SEC. 2. *Be it further enacted*, That the said Society shall have power, at their annual meeting, to assess all such sums as may be necessary for the maintenance of public worship, the repairs and preservation of the Church, and other parochial charges and expenses; and shall have power to determine the mode of assessing said taxes, either upon the pews in the Church of said society, according to their relative value, to be ascertained by the first sale of each pew, or upon the rateable polls and estates, both real and personal, of the individual members of said society, in the same manner, and with equal powers for collecting the same, as in other cases is by law provided; and when it may be determined to assess the taxes on the pews, the taxes so assessed shall be a lien against or on the same, and in case of non-payment of the taxes so assessed, for the space of two years from the time of assessing said taxes, the pew or pews upon which the tax or taxes shall have been assessed, shall be forfeited to the Society, and may be sold at public auction in such manner as the Society may by their by-laws and regulations provide; and the nett proceeds of the same, after deducting the amount of taxes due thereon, with the charges of sale, shall be paid to the proprietor of the pew so sold, or to his assigns; and the Society shall have full authority to convey to the purchaser of any pew so sold, a good and valid title of the same.

Pews, how forfeited.

May hold real and personal estate.

SEC. 3. *Be it further enacted*, That said Society may hold and possess, by grant, gift, devise, or otherwise, real and personal estate, for the pur-

pose of supporting public worship and other religious, parochial, and charitable purposes, not exceeding the annual income of five thousand dollars.

SEC. 4. *Be it further enacted,* That the first meeting of said Society may be called by either of the persons named in this act, by a written notification, put up at the meeting house of the First Universalist Society in Duxbury seven days before the time of holding said meeting. First meeting.

[Approved by the Governor, June 20, 1826.]

CHAP. XX.

An Act to incorporate the Lynn Institution for Savings.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Batcheller, Henry A. Breed, Hezekiah Chase, Isaac Story, Josiah Newhall, John Alley, 3d, James Pratt, Isaiah Breed, Amos Rhodes, Stephen Smith, jun. Legree Johnson, Henry Newhall, John Pratt, William B. Breed, James Oliver, William Rhodes, Samuel T. Huse, Robert W. Trevett, Zachariah Atwill, jun. John Caldwell, Richard Hazeltine, Benjamin Massey, Jonathan Corner, Jesse Rice, Sylvester C. Parkhurst, Daniel N. Breed, Ezra Mudge, and Samuel P. Page, together with such other persons as shall be duly elected members of said Corporation, in the manner which is in this act provided, be, and they hereby are, constituted a corporation and body politic, by the name of the Lynn Institution for Savings, and shall so continue for the term of twenty years. Persons incorporated.

Capable of receiving, &c.

SEC. 2. *Be it further enacted*, That said Corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided.

Income or profit, how applied, &c.

SEC. 3. *Be it further enacted*, That all deposits of money received by the said Corporation, shall be by the same used and improved to the best advantage; and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors, administrators, or assigns, in just proportion, and the principal of such deposits may be withdrawn, at such times, and in such manner, as said Corporation shall direct and appoint.

Power to elect members.

SEC. 4. *Be it further enacted*, That said Corporation may, at any legal meeting, have power to elect, by ballot, any other person or persons as members of said Corporation.

Have a common seal.

SEC. 5. *Be it further enacted*, That the said Corporation may have a common seal, which they may change or renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements, made by their Treasurer, or any other person, by their authority and direction, shall be good and valid; and the said Corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid.

Meeting, when held.

SEC. 6. *Be it further enacted*, That the said Corporation shall hereafter meet at Lynn, some time in the month of January, annually, and as much oftener as they may judge expedient; and any seven members of the said Corporation, the President, Secretary, or Treasurer being one, shall be a quorum; and the said Corporation, at their meeting in January annually, shall have power to elect and choose a President, and all other such officers, as to them shall appear necessary; which officers,

Quorum.

Choose a President, &c.

so chosen, shall continue in office one year, and until others are chosen in their room; and all officers so chosen shall be under oath to the faithful performance of the duties of their offices respectively.

SEC. 7. *Be it further enacted*, That the said Corporation hereby are vested with power of making laws for the more orderly managing the business of the Corporation: Provided the same are not repugnant to the constitution or laws of this Commonwealth.

Power to make laws.

SEC. 8. *Be it further enacted*, That either of the persons named in the first section of this act may call the first meeting of said Corporation, by public notification in the Lynn newspaper, at such time and place as he shall judge proper.

First meeting.

SEC. 9. *Be it further enacted*, That the officers and agents of the said Institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto; and shall submit to be examined by them concerning the same under oath. And the Legislature may, at any time, make such further regulations for the government of said Institution, as they may deem expedient; and may alter and amend or repeal this act at pleasure.

Power of the Legislature.

[Approved by the Governor, June 20, 1826.]

CHAP. XXI.

An Act authorizing the Selectmen of Charlestown to appoint a company of Hook and Ladder Men, and additional Engine Men.

May appoint a
company of
Hook and Lad-
der Men.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of the town of Charlestown, in the county of Middlesex, be, and they hereby are, authorized and empowered to appoint a Company of Hook and Ladder Men, consisting of not more than forty, whose duty it shall be, under the direction of the Firewards in said town, to attend fires therein with fire-hooks, fire-sails and ladders, and to be subject to such further duties, and organized and provided in such manner, as the said Selectmen shall, from time to time, direct.

May appoint
Engine Men.

How long in
office.

SEC. 2. *Be it further enacted*, That the said Selectmen be authorized and empowered to appoint any number of Engine Men, not exceeding thirty-five, in addition to the number they are authorized to appoint by existing laws; and the Engine Men so appointed may be attached to any new Engine Company, which may be hereafter formed or apportioned among any of the Engine Companies of said town, at the discretion of the Selectmen; and all persons appointed to any company, pursuant to the provisions of this act, shall continue in office during the pleasure of said Selectmen, and be entitled to all the privileges and exemptions to which Engine Men now are, or may hereafter be by law entitled.

Repeal.

SEC. 3. *Be it further enacted*, That the Resolve authorizing the Selectmen of Charlestown to appoint additional Engine Men, passed December seventh, one thousand eight hundred and sixteen, be, and the same is hereby repealed.

[Approved by the Governor, June 20, 1826.]

CHAP. XXII.

An Act in addition to an act, entitled, "an act to carry into effect certain stipulations in the act for erecting the District of Maine into a separate State."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, for defraying the one half of the expense of surveying the lands in the State of Maine already surveyed, and to be surveyed and divided, which were owned in common by the said Commonwealth and State, and the charges attending such survey, and also for defraying the one half of the compensation of the Secretary of said Commissioners, and paying for the stationary necessary to be used by them, exclusive of the personal expenses of said Commissioners, the sum of four thousand dollars, be, and hereby is appropriated, as a contingent fund, to be drawn for and paid as is provided in the act to which this is additional.*

Sum appropri-
ted.

[Approved by the Governor, June 20, 1826.]

CHAP. XXIII.

An Act to incorporate the Winchendon Woollen Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Sylvanus Holbrook, Isaac Livermore, and James C. Dunn, together with such other persons as may become*

Persons incor-
porated.

Power, &c.

associates with them, their successors and assigns, be, and they hereby are, made and constituted a body politic and corporate, by the name of the Winchendon Woollen Manufacturing Company, for the purpose of manufacturing Woollen Cloths, of various kinds, in the town of Winchendon, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

May sue, &c.

SEC. 2. *Be it further enacted*, That the said Corporation shall and may sue, and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever, by their corporate name aforesaid; and shall have power to make, have and use a common seal, and the same at pleasure to break, alter and renew.

Hold real estate.

SEC. 3. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding in value the sum of one hundred thousand dollars, and such personal estate not exceeding in value the sum of one hundred thousand dollars, as may be necessary and convenient for the purposes of this incorporation.

First meeting.

SEC. 4. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons hereby is, authorized to appoint the time and place for holding the first meeting of the said Corporation, giving ten days notice thereof to the others, either in person or writing, any thing in the second section of the act aforesaid, defining the general powers and duties of manufacturing corporations to the contrary notwithstanding.

[Approved by the Governor, June 20, 1826.]

CHAP. XXIV.

An Act to authorize the building a Bridge over the North River, between the towns of Hanover and Pembroke.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Commissioners of Highways for the county of Plymouth, when appointed, pursuant to the provisions of an act, entitled, "an act in addition to an act, directing the method of laying out Highways," passed March 4th, 1826, be, and hereby are, authorized and empowered to lay out a Public Highway across the North River, and build a Bridge over the same; between the towns of Hanover and Pembroke, the same being navigable water, not exceeding ten rods below the present bridge over said River, between said towns, in case said Commissioners, after a full hearing, shall be of the opinion that the public good requires it.

Power to lay out highway, & build a bridge.

SEC. 2. *Be it further enacted,* That if the said Commissioners shall lay out said road, and cause said Bridge to be built, said bridge shall not be made of a less width than twenty-five feet between the abutments.

Width of bridge.

[Approved by the Governor, June 20, 1826.]

[CHAP. XXV.]

An Act in addition to an act, entitled, "an act in addition to an act to incorporate the President, Directors and Company of the Merchants Bank in Salem."

Further time
allowed.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further period of nine months, from and after the first Monday of June current, be, and hereby is allowed to the members of said Corporation, for the payment of the addition to its capital stock, authorized by the act to which this is in addition.

[Approved by the Governor, June 20, 1826.]

CHAP. XXVI.

An Act to establish a Corporation by the name of the Pigeon Cove Pier Company, in Gloucester.

Persons incor-
porated.

SEC. 1. BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Daniel Wheeler, Daniel W. Tuttle, Abraham Lurvey, Nehemiah Knowlton, William Pool, Walter Knowlton, with such other persons as have, or may hereafter associate with them, their successors or assigns, shall be, and hereby are made a Corporation by the name of the *Pigeon Cove Pier Company*, in the town of Gloucester, in the county of Essex, for the purpose of erecting and maintaining a stone pier, at Pigeon Cove, so called, in said town of

Gloucester, and by that name may sue and be sued, may plead and be impleaded, and shall appear and prosecute and defend, in all actions or suits, for or against them unto final judgment, execution and satisfaction: and they may have and use a common seal, and shall be capable in law to take and hold by devise, purchase, or otherwise, real estate, and to make and execute conveyance of real estate: *Provided*, that the whole of the real estate which the said Company may at any one time hold and possess, in their corporate capacity, shall not exceed in value twenty thousand dollars.

May sue, &c

May have a seal.

Proviso.

SEC. 2. *Be it further enacted*, That the said pier shall be located on the main land, on the southwest side of Pigeon Cove, running north-easterly one hundred and sixty-four feet, and ending at low water mark; and said pier shall be one hundred feet wide, and built of stone and other materials.

Location; &c.

SEC. 3. *Be it further enacted*, That the said petitioners, or either of them, may call the first meeting of the said Corporation by advertising and posting up a notification thereof at one or more of the insurance offices in said town of Gloucester, at least ten days before the day of meeting; and at that, or any other legal meeting, the said Corporation may agree on a mode of calling future meetings; and they may elect a President, Trustees, Clerk, and such other officers as they judge necessary for the orderly conducting their affairs, and the prudent management of their estate; and such officers, at their pleasure, may change or remove; and at all their meetings the said proprietors present may vote according to their interests respectively, in said property, allowing one vote to each share: *Provided however*, that no person shall have more than five votes, and absent proprietors may vote by proxy in writing. And the said proprietors may, at any legal meeting, adopt such by-laws, rules, and regulations, as they may judge necessary and convenient for the orderly man-

First meeting.

Elect President &c.

Proviso.

Adopt by-laws, &c.

Proviso.

agement of their affairs: *Provided*, they be not repugnant to the constitution and laws of this Commonwealth.

Shares considered as personal estate.

Shares liable to attachment.

SEC. 4. *And be it further enacted*, That the share or shares of each proprietor in the said corporate property shall be considered, and held to be, in all respects, personal estate, and shall be transferred in such manner as the proprietors, in their by-laws, shall provide and direct. And the shares of any proprietor in said Pier Company may be attached on *mesne process*, or taken and sold on execution, in the manner pointed out by an act entitled, "an act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies.

This act may be altered, &c.

SEC. 5. *Be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of the Legislature.

[Approved by the Governor, June 20, 1826.]

CHAP. XXVII.

An Act in addition to an act, entitled "an act to establish the Rate of Interest, and to restrain the taking of Excessive Usury."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever, in any action brought on any contract or assurance for the payment of money, it shall appear to the Court before which such action shall be tried, by the pleading in the case, and on application of the defendant, that a greater rate of interest shall have been directly or indirectly reserved or taken, than

is allowed by the act to which this act is in addition, the defendant shall recover his full costs, and the plaintiff shall forfeit three fold the amount of the whole interest reserved or taken, and shall have judgment and execution for the balance only, which may remain due upon said contract or assurance, after deducting three fold the amount of said interest; and whenever a greater rate of interest shall have been paid than as aforesaid, a remedy shall accrue to recover back three fold the amount of the whole interest paid, either by an action of debt in any Court having jurisdiction thereof, or by a bill in Chancery in the Supreme Judicial Court, which Court is hereby authorized to try the same, provided said action shall be brought, or bill filed, within two years from the time when the right thereto accrued.

Forfeiture.

Action.

SEC. 2. *Be it further enacted*, That no banking or other institutions, which now are, or hereafter may be, incorporated in this Commonwealth, shall reserve, take, or receive, directly or indirectly, any greater rate of interest than by law they are authorized to reserve, take, and receive, before the passage of this act, upon penalty of forfeiting three fold the amount of the whole interest taken or reserved, to be recovered by indictment or information before any Court proper to try the same, to the use of the Commonwealth.

Banks.

SEC. 3. *Be it further enacted*, That nothing contained in this act shall affect any contract already made.

Contracts before made.

SEC. 4. *Be it further enacted*, That the provisions of the act to which this act is in addition, shall not hereafter be construed to extend to any contract made, or security given, before the passing of said act.

SEC. 5. *Be it further enacted*, That in the trial of any action wherein it shall appear by the pleadings that the fact of usury shall be put in issue, it shall be lawful for the debtor, the creditor being alive, to become a witness, and his testimony shall

Creditor, a witness.

be received as evidence, and the creditor, if he shall offer his testimony, shall be received as a witness, together with any other legal evidence that may be introduced by either party.

Repeal.

Proviso.

SEC. 6. *Be it further enacted*, That the second proviso in the first section, together with the second and third sections of the act, to which this act is in addition, be, and the same are hereby repealed: *Provided*, That nothing in this act shall extend to the letting of cattle, or other usages of the like nature in practice among farmers, or maritime contracts among merchants, as bottomry, insurance, or course of exchange, as hath been heretofore accustomed.

[Approved by the Governor, June 20, 1826.]

CHAP. XXVIII.

An Act to incorporate the Boston Glass Bottle Manufacturing Company.

Persons incor-
porated.

Powers, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Charles Wade, Thomas Haskins, and William Underwood, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made a Corporation by the name of the Boston Glass Bottle Manufacturing Company, for the purpose of manufacturing bottles, and other glass ware, in the City of Boston, in the County of Suffolk; and for that purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord, one thousand

eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding in value the sum of forty thousand dollars, and such personal estate, not exceeding in value, the sum of sixty thousand dollars, as may be necessary and convenient for carrying on the manufacture of bottles in the city of Boston aforesaid.

May hold real
and personal
estate.

[Approved by the Governor, June 20, 1826.]

CHAP. XXIX.

An Act in addition to an act entitled, "an act to incorporate the Salem Mill Dam Corporation."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Salem Mill Dam Corporation, be, and they hereby are authorized to make the Gate-way in the channel of the River mentioned in the act to which this is in addition, of the width of twenty-five feet, instead of twenty six feet, any thing in said act to the contrary notwithstanding.

Authorized to
make a Gate-
way.

Width.

[Approved by the Governor, June 20, 1826.]

CHAP. XXX.

An Act to incorporate the First Universalist Society in Plympton.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Randall, Isaac Loring, 2d, Ellis Wright, Isaac Wright, Jr. Melzar Loring, Jr. Robert B. Loring, Southworth Wright, Daniel D. Wright, Isaac Wright, John Bisbee, Peleg Wright, together with such others as may hereafter associate with them, be and they hereby are incorporated into a Society, by the name of "the First Universalist Society in Plympton" with all the privileges, powers and immunities, to which other Religious Societies are entitled by the Constitution and laws of this Commonwealth, and subject to all the duties and liabilities of the same.

Persons incorporated.

SEC. 2. *Be it further enacted*, That any Justice of the Peace of the County of Plymouth, be, and is hereby authorized, to issue his warrant, directed to any member of said Society, requiring him to warn the members of said Society to meet at a suitable time and place to be appointed in said warrant, then and there to elect such officers for the management of the affairs of said Society as they shall see fit, and transact such other business as may be deemed necessary.

Justice of Peace to issue his warrant, to a member, to call a meeting.

Elect Officers.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXI.

An Act to incorporate the Wattuppa Reservoir Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That David Anthony, Nathaniel B. Borden, Oliver Chase, and Bradford Durfee, and their associates, successors and assigns, be, and they hereby are constituted a corporation and body politic, by the name of the Wattuppa Reservoir Company, for the purpose of constructing a reservoir of water in the Wattuppa Ponds, so called, in the town of Troy, in the County of Bristol, for the benefit of the manufacturing establishments, on Fall River; and, for this purpose, shall have all the privileges and immunities and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, "entitled an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incor-
porated.

Privileges, &c.

SEC. 2. *Be it further enacted,* That said corporation shall have power to make reserves of water in the Wattuppa Ponds, so called, by erecting a dam across the outlet of said Ponds, in the town of Troy, in the County of Bristol, so as to raise the water in said Ponds, two feet higher than the dam already erected by the Troy Cotton and Woollen Manufactory in said town of Troy, and to draw off said reserved water in such quantities, at such times, and in such manner, as they shall judge to be most for the interest of all concerned.

Power granted
to make reser-
voirs, &c.

SEC. 3. *Be it further enacted,* That the said corporation is authorized to acquire, by purchase or otherwise, and to hold and possess, such real estate, not exceeding in value ten thousand dollars,

May hold real
and personal
estate.

and such personal estate, not exceeding in value five thousand dollars, as may be necessary to effect the purposes aforesaid.

SEC. 4. *Be it further enacted*, That the Capital Stock of said corporation shall be divided into one hundred shares, to be held, assessed and alienated agreeably to the by-laws of the Corporation; and said by-laws shall not be adopted nor amended without the unanimous consent of all the proprietors, any thing contained in an act entitled "an act defining the general powers and duties of manufacturing corporations" to the contrary notwithstanding.

SEC. 5. *Be it further enacted*, That if said corporation, in effecting the purposes aforesaid, shall become liable for damages to any person by flowing, such damage shall be ascertained, and shall be paid by said corporation, according to the provisions of an act entitled, "an act for the support and regulation of Mills," and the several acts in addition thereto.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXII.

An Act to change the names of the several persons therein mentioned.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Thompson, a minor, son of Alice Bently of Boston, may take the name of Samuel Bently; that Samuel Brooks late of Salem, scrivener, may take the name of Samuel Mitchell Waring Brooks; that John Cass, late of New Hampshire, may take the

name of John Carr Cass; that Samuel Conant may take the name of Samuel Williams Conant; that Ebenezer Dyer, may take the name of Ebenezer Elms Dyer; that Mable C. Ellis, may take the name of Mary-Ann Ellis; that Wendell Moreno, may take the name of George Wendall Lloyd; that Michael Myron, a minor, may take the name of his father, William Myron; that Jacob Rogers, may take the name of Jacob Abner Rogers; that Robert Steele, trader, may take the name of James Robert Steele; all of Boston in the County of Suffolk:—that Judith Dole Bartlett of West Newbury, may take the name of Caroline Judith Bartlett; that George Brown Very of Salem, may take the name of George Brown; that Joseph Clements of Newburyport, may take the name of Joseph Warren Clements; that John Fettyplace of Salem, a minor, may take the name of Thomas John Fettyplace; that Richard Tink of Manchester, master mariner, may take the name of Richard Trask; that Abigail his wife, may take the name of Abigail H. Trask; and also, that their three children, being minors, may take the name of Trask, viz. that Richard T. 'Tink, may take the name of Richard T. 'Trask; that Mary Abigail Tink, may take the name of Mary Abigail Trask; and that Charles H. Tink, may take the name of Charles H. Trask; that Hugh Judge Alley of Lynn, may take the name of Elbridge D. Warren; all of the county of Essex;—that William Howard Cades of Charlestown, husbandman, may take the name of William Cades Howard; that Israel Newhall Peese of South Reading, cordwainer, may take the name of Israel Newhall; that Greenleaf Henderson Pees of said South Reading, may take the name of William Newhall; that Harriet Burnham of South Reading, may take the name of Mary Rayner Burnham; all of the county of Middlesex;—that Sylvester Sage Arnold of Braintree, may take the name of George Washington Arnold; that Noah Fiske of Dover, may take the name of Noah Allen Fiske; both of

the county of Norfolk;—that Jennings Bowen of Leicester, tanner, may take the name of George Bowen; that Lois Whiting of Barre, may take the name of Ann Louisa Whiting; both of the county of Worcester;—that Betsey Caswell of Middleborough, in the county of Plymouth, may take the name of Betsey Jones; and that her two children, being minors, may also take the name of Jones, viz. Ebenezer Jones Caswell, may take the name of Ebenezer Jones, and that Paul Lewis Caswell, may take the name of Paul Lewis Jones;—that James Lawrence, a minor of Sandwich, in the county of Barnstable, may take the name of James Lawrence Percival; and that Zadock Norton of Edgartown in the county of Dukes, tailor, may take the name of Francis Adlington. And the said several persons herein named shall hereafter be called and known by the names which, by this act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXIII.

An Act to incorporate the New Universalist Society in Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Holten J. Breed, Nathaniel Frothingham, James Moody, James Ropes, and Joseph Tufts, jun. and such persons as now are, or hereafter may be, associated with them, not being less than the number of ten legal voters, qualified to vote in any parish, precinct,

Persons incor-
porated.

or religious society, be, and they hereby are, incorporated into a religious society by the name of the New Universalist Society in Salem, with all the privileges, powers, and immunities to which religious societies are entitled by the constitution and laws of this Commonwealth.

Privileges, &c.

SEC. 2. *Be it further enacted*, That the said Corporation may purchase and hold any lot of land for their use as a site for a meeting house, and such other estate, real and personal, as the Corporation shall determine to own: *Provided however*, that the whole estate of the said Corporation, exclusive of the meeting house and land appurtenant thereto, shall not exceed the sum of five thousand dollars.

Estate.

Proviso.

SEC. 3. *Be it further enacted*, That the said Corporation be, and they hereby are, authorized to raise by an assessment on the pews in their meeting house, such sums of money for the settlement and maintenance of a minister or ministers, for the building or purchase of a meeting house, and for the purchase of such lot of land and other estate as aforesaid, and for the building and repairing of such meeting house, and for defraying the other expenses of public worship, and such incidental charges as the said corporation shall agree upon at any legal meeting to be called for the purposes aforesaid. And if any proprietor or proprietors of such pew shall neglect to pay any assessment legally made as aforesaid, for one year after the same shall have been made, the Treasurer of said Corporation, for the time being, shall be authorized to sell and convey all the estate, share, and interest of such delinquent proprietor or proprietors in the said Corporation, at public auction, first giving notice thereof fourteen days, at least, previous to the sale, by posting up a notification thereof at one of the doors of said meeting house; and upon such sale to execute a good and sufficient deed or deeds thereof to the purchaser or purchasers; and after deducting the amount of such delinquent proprie-

Power to assess

Treasurer authorized to sell; &c.

tor or proprietors' assessment and interest thereon, and all incidental costs and charges, the said Treasurer shall pay the surplus, if any, to such delinquent proprietor or proprietors.

SEC. 4. *Be it further enacted*, That any three or more of the persons above named be, and they hereby are, authorized to call the first meeting of said Corporation by posting a notification at one of the doors of said meeting house, requiring the members of said Corporation to meet at such time and place as shall be therein set forth, to choose a Clerk, who shall be sworn to the faithful discharge of his duty, a Treasurer, and a Committee, and such other officers as they shall judge necessary; and the Committee appointed at that or any other meeting of said proprietors legally called for that purpose, shall have authority to assess and apportion on the pews in said meeting house, by such a valuation as the said Corporation shall, from time to time, determine, all such sums of money, as the said Corporation shall agree to raise; and shall also be authorized to execute and deliver, in the name and behalf of said Corporation, deeds of the pews in said meeting house. And the said Corporation may, at the meeting aforesaid, agree upon the manner of calling future meetings, and may also act upon any other business, of which notice shall be given in the notification aforesaid; and at all meetings aforesaid, the proprietor or proprietors of said pews shall be allowed one vote and no more for every pew.

First meeting.

Choose a Clerk, &c.

Power of Committee.

Future meetings.

Number of votes.

SEC. 5. *Be it further enacted*, That there shall be an annual meeting of the society on such day as shall be prescribed by the by-laws of said Corporation, at which annual meeting, or any other meeting duly called, the said society may choose their officers, who shall hold their office during one year, and until others are chosen in their stead.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXIV.

An Act to incorporate the Proprietors of the First
Congregational Meeting House in Lowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That D. H. Mason, William Davidson, Jesse Fox, Joshua Tucker, William Gardner, Junior, Andrew B. Eaton, John Fisher, Timothy Frye, Josiah Coburn, and others, who have associated, or may hereafter associate with them, for the purpose of building a meeting house, their successors and assigns, be, and they hereby are incorporated, and made a body politic, by the name of the proprietors of the First Congregational Meeting House in Lowell, and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations as to them may seem necessary and convenient for the government of said corporation: Provided, such by-laws and regulations be not repugnant to the Constitution and laws of this Commonwealth.*

Persons incor-
porated.May make
by-laws.

Proviso.

SEC. 2. *Be it further enacted, That the said corporation may purchase and hold real and personal estate, the annual income of which, exclusive of the meeting house and land under the same, shall not exceed one thousand dollars, and shall divide their estate into shares, the number of which shall not be less than one hundred, nor more than two hundred; and may make and impose all necessary assessments on such shares: Provided, that this section may be modified or repealed at any time hereafter, if in the opinion of the Legislature it shall be deemed expedient.*

Hold real estate.

Proviso

SEC. 3. *Be it further enacted, That whenever any proprietor shall neglect or refuse to pay any assessment legally made upon his share or shares to the Treasurer of said corporation, within thirty*

Treasurer au-
thorized to sell.

Treasurer to
pay surplus.

days after the same shall be made payable, the said Treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, after posting notice of the time, place and cause of such sale, at two or more public places in Lowell, and also on said meeting house door, whenever such house shall have been erected, at least thirty days previous to such sale, to execute deed or deeds thereof to the purchaser or purchasers, and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was payable, and necessary incidental charges, the said Treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said Treasurer may sue and prosecute to final judgment and execution any such delinquent proprietor for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

Annual meeting
when held.

Elect, President
&c.

Proviso.

SEC. 4. *Be it further enacted,* That there shall be an annual meeting of said proprietors after the present year, on the second Monday in March, at which they shall elect by ballot, a President, Clerk, Treasurer and five Trustees, of whom the President shall be one, and the Treasurer and Clerk shall be sworn to the faithful discharge of their respective trusts; and at such meeting each proprietor, or his agent duly authorized in writing, shall be entitled to as many votes as he holds shares: *Provided,* that no one person shall be entitled to more than ten votes.

Clerk's duty.

SEC. 5. *Be it further enacted,* That it shall be the duty of the Clerk of said corporation to keep a record of all the proceedings of said corporation, and of all shares and transfer of shares thereon, and to grant certificates thereof to said proprietors, and the shares may be transferred under the hand and seal of the proprietors on the back of such certificate.

SEC. 6. *Be it further enacted,* That any Justice of the Peace, in the county of Middlesex, be, and

he hereby is, authorized to issue his warrant to some one of the said proprietors, for the purpose of calling the first meeting, to elect officers and organize said corporation, at such convenient time and place as he shall direct, at which meeting said proprietors may agree upon the manner of calling and notifying future meetings.

First meeting

[Approved by the Governor, June 20, 1826.]

CHAP. XXXV.

An Act in addition to an act, entitled, "An act to incorporate the President, Directors, and Company of the Suffolk Bank."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors, and Company of the Suffolk Bank, be, and hereby are authorized and empowered to increase their present capital stock by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments and at such times, as the President and Directors of said Bank may direct and determine: *Provided however,* that the whole amount shall be paid in on or before the first Monday of October next.

Power to increase, &c.

Proviso.

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions as the present capital stock of said Corporation is now subject, by virtue of the act to which this is in addition.

Subject to tax.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXVI.

An Act to incorporate the Boston Brewery Company.

Persons incor-
porated.

Power, &c.

Estate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William B. White, Samuel R. Allen, and George M. Gibbens, together with such other persons as may become associates with them, their successors and assigns, be, and they hereby are, made a corporation by the name of the Boston Brewery Company, for the purpose of manufacturing malt liquors in all their varieties, in the city of Boston, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord eighteen hundred and entitled, "an act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted,* That said Corporation may hold and possess such real estate, not exceeding, in value, the sum of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be found necessary and convenient for carrying on the manufacture of malt liquors in the city of Boston.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXVII.

An Act to provide for the more uniform and perfect engrossing of Bills, and for preserving the same.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That, from and after the present session of this General Court, it shall be the duty of the Secretary of the Commonwealth to cause all acts which may pass to be engrossed, to be fairly engrossed on parchment, in a plain and legible hand writing, without interlineation, leaving a margin of not less than one and a half inch on each side, and that each sheet of parchment on which any act shall be engrossed, shall be twenty-two inches long, and sixteen inches wide; and that after every session of the Legislature, it shall be the duty of the said Secretary to cause the same to be neatly and strongly bound; in one or more volumes, according to the number of sheets of parchment, and lettered on the back with the Legislative year in which the same were passed, and with numbers showing the chapter with which the volume begins and ends.

Secretary's duty.

Size of parchment.

[Approved by the Governor, June 20, 1826.]

CHAP. XXXVIII.

An Act authorizing the United States to purchase a site for two Light Houses within this Commonwealth.

Proviso.

Proviso.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is, granted to the United States, to purchase a tract of land, being not more than four acres, on Long Point, in the town of Provincetown, and four acres on Sandy Neck, in the town of Barnstable, for the purpose of erecting Light Houses on the same: *Provided*, that this Commonwealth shall retain, and does hereby retain, a concurrent jurisdiction with the United States, in and over the said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid: *Provided further*, that all persons who may remove upon said tract of land in the town of Provincetown, and also upon said tract of land in the town of Barnstable, the jurisdiction over each of which is hereby granted to the United States, shall be deemed and taken to be inhabitants of the town of which such tract of land respectively appertains, in the same way and manner as they would have been had they removed into any other part of either of said towns, and shall there do the duty, and receive the same privileges as other inhabitants, saving that they shall not be liable to serve on juries, or do military duty.

[Approved by the Governor, June 20, 1826.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, AUGUST 9, 1826.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Acts as passed by the Legislature at their session of May and June last, and that they appear to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE THIRD
OF JANUARY, AND ENDED ON SATURDAY, THE TENTH OF MARCH,
ONE THOUSAND EIGHT HUNDRED AND TWENTY SEVEN.

CHAP. XXXIX.

An Act authorizing an extra term of the Court of
Sessions in the County of Essex.

BE it enacted by the Senate and House
of Representatives in General Court assembled,
and by the authority of the same, That there shall
be an extra Term of the Court of Sessions at Ip-
swich, in said County, on Tuesday the sixteenth
day of January current, and that the Justices of
said Court be, and they are hereby empowered to
act upon all such subjects as may then be brought
before them, in the same way and manner as at
any stated term thereof: *Provided*, That any mat-
ters now pending in said Court shall be proceeded Proviso.
in, heard and determined, as if this act had not
been passed.

[Approved by the Governor, January 8th, 1827.]

CHAP. XL.

An Act to incorporate the New England Lace Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Manning, Ammi Smith, John Clark, their associates, successors and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name of the New England Lace Company, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any Court of Record, or in any place whatever, and shall and may do and suffer all matters, acts and things which bodies politic ought to do and suffer, and shall have power to make, have, and use a Common Seal, and the same again at pleasure to break, alter and renew; and the said Company shall have all the powers and privileges, and be subject to all the duties contained in an act, entitled "an act defining the general powers and duties of Manufacturing Corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and all other acts in addition thereto.

Persons incorporated.

May sue, &c.

May have a common seal.

SEC. 2. *Be it further enacted,* That the said Corporation, in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding in value thirty thousand dollars, and personal estate not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of Lace, and of Cotton, Woollen, and Linen goods.

Estate.

SEC. 3. *Be it further enacted,* That the said Thomas Manning, or either of the aforementioned persons, is hereby authorized to call the first meeting of the said Corporation, by written notice, left

First meeting.

at the place of abode of each proprietor; or by letter addressed by mail, at least seven days previous to said meeting; at which first meeting, the proprietors present shall choose a clerk, who shall be sworn to the faithful discharge of his duties.

Choose a clerk.

[Approved by the Governor, Jan. 17, 1827.]

CHAP. XLI.

An Act in further addition to an Act, entitled, "an Act to incorporate Nicholas Thorndike and others, into a Company by the name of the Beverly Marine Insurance Company."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such further time, not exceeding two years, from and after the twentieth day of June next, be allowed to the Stockholders in the Beverly Marine Insurance Company, to pay in the residue, being the last moiety of the Instalments; and amounting in all to fifty dollars on a share, in the Capital Stock of the said Company; and that the said residue shall be paid in at such times, and in such proportions, as the said Directors shall order and appoint, within the period aforesaid: *Provided, however*, that nothing in this Act, shall be construed to exonerate, or discharge the estates of the said Stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said original Act.

Further time allowed.

Proviso.

[Approved by the Governor, Jan. 20, 1827.]

CHAP. XLII.

An Act to incorporate the Proprietors of the First Universalist Church in Nantucket.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Aaron Mitchell, Gardner Coffin, Elisha Starbuck, Robert F. Parker, Henry Gardner, 3d. Samuel B. Tuck, Henry M. Pinkham, Samuel H. Jenks, Benjamin Pike, Peter Chase, Benjamin Worth, John R. Macy, George Brown, David Coffin, 2d. Joseph T. Worth, Eben W. Tallant, Zenas Coleman, James Stiff, John W. Olin, Nathaniel Tallant, John B. Nicholson, and William Lawrence, be, and they hereby are incorporated, and made a body politic, by the name of the Proprietors of the First Universalist Church in Nantucket, with such other persons as are, or may hereafter, become associated and interested with them in said Church, and the land whereon the same stands, with power to raise by assessment on the pews and seats in said Church, according to the original valuation thereof, such sum and sums of money for the settlement and maintenance of a Minister or Ministers, and for the incidental charges of said Corporation, as the members thereof shall agree on at any legal meeting for that purpose.

Persons incorpo-
rated.

Power to raise,
&c.

May sell, &c.

SEC. 2. *Be it further enacted,* That it shall be lawful for the Trustees of said Corporation, or a majority of them for the time being, after giving seven days notice by posting an advertisement to that effect at the door of said Church, to sell, or cause to be sold at Public Auction, for the term of one succeeding year, the use and improvement of such pews or seats in said Church, the proprietors or owners of which shall have refused or neglect

ed, for the space of thirty days after the proprietor's annual meeting, to pay in advance such annual assessment as may be legally laid thereon, and all the monies accruing from such sales shall be placed to the credit of such owner and retained by said Corporation; the Treasurer whereof for the time being, is hereby empowered to execute leases to such persons as may purchase as aforesaid.

Treasurer to execute leases.

SEC. 3. *And be it further enacted*, that it shall be lawful for the Treasurer of said Corporation, or such other person as may be duly authorized by the Trustees or a majority of them, to sell at Public Auction, after giving thirty days notice thereof, by posting an advertisement to that effect at the door of said Church, all such pews or seats in said Church, on which the taxes may remain unpaid by the owners thereof, during three years after such assessment as aforesaid, and upon such sale, to execute a good and sufficient deed or deeds thereof to the purchaser or purchasers, and, after deducting the amount of such delinquencies or dues, together with legal interest thereon from the time the same was made payable, and all incidental costs and charges, the said Treasurer, or person authorized to sell the same, shall pay the surplus, if any, to such delinquent proprietor.

Treasurer to sell; &c.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Nantucket, be, and hereby is authorized and directed to issue his warrant to some principal member of said Corporation, requiring them to meet at such time and place as shall be therein set forth, to choose a Moderator and a Clerk, (who shall be duly sworn,) a Treasurer and Trustees, not exceeding five in number, or such other officers as the proprietors shall deem necessary, and the Moderator of such meeting shall have power to administer the oath of office to the Clerk, and the said Clerk for the time being, under the direction of the Trustees, shall have power to warn all future meetings of said Proprietors, for the purpose of filling any vacan-

Justice of the Peace to call a meeting, to choose a Moderator, Clerk, Treasurer, and Trustees.

cies that may occur, and for such other objects as may relate to the interests and concerns of said Corporation.

[Approved by the Governor, Jan. 20, 1827.]

CHAP. XLIII.

An Act to annex certain territory to the Town of Wareham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all that tract of land, now forming a part of the towns of Plymouth and Carver, comprised within the following limits, together with the families and estates of all persons now residing thereon, be set off and annexed to the Town of Wareham, to wit—Beginning at the South Westerly corner of the said Town of Plymouth, at a brook, thence North twenty-three and a half degrees East, about seven hundred and fifty seven rods, to a point where the Southerly line of said Town of Plymouth runs East and West, thence North eighty-six and a half degrees, West, four hundred and fifty rods to Wakinquo River, and across said river, and in a straight line, about three hundred and sixty-five rods to the line now dividing the towns of Wareham and Carver; and thence South-easterly, following said last mentioned line, and the line now dividing Plymouth and Wareham, to the point first mentioned: *Provided*, that all taxes, heretofore assessed by the said towns of Plymouth or Carver, shall be paid in like manner as if this act had not been passed.

Boundary described.

Proviso.

SEC. 2. *Be it further enacted,* That all persons now having a settlement, or who may hereafter

have a settlement, in either of said towns of Plymouth or Carver, by virtue of their residence, or the residence of any other person within the above described limits, or by virtue of the ownership of any person of any part thereof, shall, from and after the passing of this act, be deemed and taken to have a settlement in the said town of Wareham; and the said town of Wareham shall be liable to the support and maintenance of all such persons, in the same manner and to the same extent, as if the said territory had originally constituted a part of said town of Wareham.

[Approved by the Governor, Jan. 20, 1827.]

CHAP. XLIV.

An act to incorporate the Chatham and Harwich Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Young, Salathiel Nickerson, Caleb Nickerson, Richard Sears, Isaac Hardy, Collins Hawes, Jonah Crowell and Obed Brooks, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation by the name of the Chatham and Harwich Manufacturing Company, for the purpose of Manufacturing cotton and woollen goods, in the town of Harwich in the county of Barnstable; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an "act defining the general powers and duties of Manufacturing Corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the acts in addition thereto.*

Persons incorpo-
rated.

Estate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate not exceeding in value the sum of one hundred thousand dollars, and such personal estate not exceeding in value the sum of two hundred thousand dollars, as may be necessary and convenient for the purpose aforesaid.

[Approved by the Governor, Jan. 20, 1827.]

CHAP. XLV.

An act to incorporate the North Congregational Church in New Bedford.

Persons incorporated.

Estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Roger Haskell, William W. Kempton, Henry P. Willis, David Briggs, Ebenezer Hathaway, Frederick Reed, Ivory H. Bartlett, Joshua Barker, Cornelius Burges, Joseph Bourne, and their associates and successors, be, and they hereby are incorporated, into a society by the name of the North Congregational Church in New Bedford, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are by law entitled; and may hold, purchase, receive by gift or otherwise, real or personal estate, not exceeding the value of twenty thousand dollars.

[Approved by the Governor, Jan. 27, 1827.]

CHAP. XLVI.

An act to incorporate the Foster North River Bridge Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Foster, Persons incorporated jr. Elisha Foster, Samuel Rogers, Samuel Foster, Howard Bowker, Lemuel Turner and Ebenezer T. Fogg, together with such other persons as now are associated or may be hereafter associated with them, be, and they hereby are made and constituted a Corporation and body politic, by the name of the Foster North River Bridge Company, and by that name may sue and prosecute, and be sued May sue, &c. and prosecuted to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and suffer, and that said Corporation shall and may have full power Power, &c. and authority to make, have and use a common seal, and the same to break and alter at pleasure.

SEC. 2. *Be it further enacted,* That the said Elisha Foster, jr. may, by posting up notifications at some public places in the towns of Scituate and Marshfield, warn and call a meeting of the Proprietors, to be holden at any suitable time and place in either of said towns, after ten days from the first posting up of said notifications; and the proprietors, by a vote of the majority of those present or duly represented at said meeting, allowing one vote to and for each share, provided that no proprietor shall be allowed more than ten votes, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall also determine the mode of calling future meetings, and may elect Meeting to be called. such officers, and make and establish such rules and by-laws, not repugnant to the laws and constitution of this Commonwealth, as to them may seem necessary or convenient, for the regulation and government of the said Corporation. and for collecting the toll herein after granted, and may annex penalties May elect officers; make by-laws, &c.

to the breach of any by-laws, not exceeding ten dollars for any one offence; and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk, in a book kept for that purpose.

SEC. 3. *Be it further enacted*, That the said proprietors be, and they hereby are authorized and empowered, to erect a bridge over North River, between the towns of Scituate and Marshfield in the County of Plymouth, near Foster's ship yard so called, with a convenient draw, at least thirty feet wide, for the passing of vessels; and the said proprietors shall constantly keep some suitable person or persons at the said bridge, who shall raise said draw for any vessel that may be passing up or down said river, free of expense to the owner thereof; and if the person, whose duty it shall be to raise the draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said bridge shall, for every such neglect or refusal, be liable to a fine of ten dollars, for the benefit of the person or persons damaged by such delay, to be recovered in any Court of competent jurisdiction to try the same.

SEC. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said proprietors; according to the rates following, to wit: for each foot passenger one cent; for each horse and rider five cents; for each horse and chaise, chair, sulky or sleigh, ten cents; for each coach, chariot or phaeton, twenty cents; for each sleigh drawn by more than one horse sixteen cents; for each cart, sled or other carriage of burthen drawn by one beast eight cents; if drawn by more than one beast ten cents; for each horse without a rider, and for neat cattle, two cents each; for sheep and swine six cents for each dozen; and one person and no more shall be allowed to each team as a driver to pass free of toll, and the toll shall commence on the day of first opening the said bridge, and shall continue for the term of seventy

years; and at the place where the toll shall be received, there shall be erected and constantly exposed to view a sign board with the rates of toll fairly and legibly written or painted thereon in large letters: *Provided, nevertheless,* That the Legislature shall have a right, at any time after the expiration of fifteen years, to alter and regulate anew the rates of toll to be received by said proprietors: *Provided, also,* that when the receipts of toll or income of said bridge shall have amounted to a sum sufficient to defray the expense of building, repairing and sustaining the same, and paying the interest of nine per cent. on the first cost, the said bridge shall revert to the Commonwealth; or when the inhabitants of the towns of Scituate and Marshfield shall remunerate the said proprietors for the expense of said bridge, with nine per cent. interest thereon, (deducting what may have been received by tolls,) said bridge shall be opened free of toll, any thing in this act to the contrary notwithstanding.

SEC. 5. *Be it further enacted,* That the said proprietors be, and hereby are authorized and obliged, to lay out, make, and maintain a good and convenient road from said bridge over the salt marsh on each side of said river to the main upland. And the said proprietors shall be holden to pay all damages which shall arise to any person by taking his or her land for such road, (where the same cannot be obtained by voluntary agreement,) to be estimated by a Committee to be appointed by the Court of Sessions for the County of Plymouth, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages happening by laying out public highways.

SEC. 6. *Be it further enacted,* That the said bridge shall be well built of suitable materials, that it shall be at least twenty-two feet wide, and covered with planks with sufficient rails on each

Provided

Provided,

Obliged to make
a road.Holden to pay -
&c.

Description, &c.

side ; and the said bridge shall be kept in good repair at all times, and said Corporation shall within six months from the time they shall commence receiving toll at said bridge, lodge in the Secretary's Office, an account of the expenses of erecting the same ; and they shall annually in the month of January exhibit to the Governor and Council, a true account of the income or dividends arising from said toll, with their necessary annual disbursements on said bridge. And the books of said Corporation, shall at all times be subject to the inspection of the Governor and Council, and to the Legislature, when called for.

This act when void. SEC. 7. *Be it further enacted*, That if the said proprietors shall neglect, for the space of four years from the passing of this act, to build and erect said bridge, then this act is to be void and of no effect.

[Approved by the Governor, Jan. 27, 1827.]

CHAP. XLVII.

An Act to incorporate a School at Nantucket, by the name of Admiral Isaac Coffin's Lancastrian School.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of Nantucket, in the county of Nantucket, a School by the name of Admiral Isaac Coffin's Lancastrian School, for the purpose of promoting decency, good order, and morality, and for giving a good English education to the youth, who are descendants of the late Tristram Coffin, who emigrated from England,

about the year 1641, first settled at Salisbury, in Massachusetts Bay, now State of Massachusetts, and from thence removed to the town of Sherborn, now Nantucket ; as the trustees for the time being shall direct. And that William Coffin, Ariel Coffin, Gorham Coffin, Jared Coffin, Thaddeus Coffin, and Charles G. Coffin, with such others as they may add to their number, be nominated and appointed trustees, and they are hereby incorporated into a body politic by the name of the Trustees of Admiral Isaac Coffin's Lancastrian School; and they and their successors shall be, and continue a body politic forever.

Persons incorporated.

SEC. 2. *Be it further enacted,* That all lands, buildings, monies, or other property, heretofore given or subscribed, for the purpose of establishing the aforesaid School, or which shall hereafter be given, granted, or assigned, to the said trustees, shall be confirmed to the said trustees and their successors, in that trust forever, for the uses for which said School is established. And the said trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate real or personal, provided the annual income of the same, shall not exceed the sum of three thousand dollars, and shall apply the interest, rents, and profits thereof, so as most to promote the design of the institution.

Estate, &c.

SEC. 3. *Be it further enacted,* That the said trustees for the time being, shall be the visitors and governors of said Institution, and shall have full power from time to time to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices, and to fill up all vacancies, that may happen in the board of trustees, by death, resignation, or removal from the town of Nantucket ; *Provided always,* that the trustees, shall all be the descendants of the before mentioned Tristram Coffin, in the male or female line ; to determine the times and places for holding their meetings, the manner of notifying

Powers granted

Proviso.

May make rules,
&c.

the trustees, to ascertain the powers and duties of their several officers, to elect instructors and prescribe their duties, to make and ordain reasonable rules, orders, and by-laws for the government of the Institution, provided the same be not repugnant to the laws of the Commonwealth.

May have a com-
mon seal, &c.

SEC. 4. *Be it further enacted*, That the trustees of said School may have a common seal, which they may change at pleasure; and all deeds, sealed with said seal, and delivered and acknowledged by the secretary of said trustees, by their order, shall be binding and valid in law. And said trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Admiral Isaac Coffin's Lancastrian School.

Number of trus-
tees.

SEC. 5. *Be it further enacted*, That the number of said trustees shall never exceed nine, nor be less than six, one of which shall be appointed as president, three of which, with the president, or five without the president, shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time, and a majority of those present shall decide all questions, that may properly come before said trustees.

First meeting.

SEC. 6. *Be it further enacted*, That William Coffin, Esq. be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the trustees, and to notify them thereof.

SEC. 7. *Be it further enacted*, That this act may at any time be modified or repealed by the Legislature of this Commonwealth.

[Approved by the Governor, Jan. 27, 1827.]

CHAP. XLVIII.

An Act incorporating the Springfield Ames Paper Manufacturing Company.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That David Ames, David Ames, Jun. and John Ames, together with such others as may hereafter be associated with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Springfield Ames Paper Manufacturing Company, for the purpose of manufacturing paper, and machinery for the same, in the town of Springfield, in the county of Hampden, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled "an act defining the general powers and duties of Manufacturing Corporations," passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and the acts in addition thereto.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of one hundred thousand dollars, and of such personal estate, not exceeding the value of two hundred thousand dollars, as may be necessary and convenient for the purpose aforesaid.

Estate.

[Approved by the Governor, January 27, 1827.]

CHAP. XLIX.

An Act to authorize Ebenezer Baker to dispose of certain real estate in Charlestown, and to invest the proceeds thereof in other real estate.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ebenezer Baker, of Charlestown, in the county of Middlesex, merchant, be. and he hereby is, duly authorized and empowered to sell and dispose of the distil house, with the land and appurtenances thereto belonging, situate in said Charlestown, which were devised to his wife, Alice Baker, for life, remainder to her children in fee, by her father, Matthew Bridge, late of said Charlestown, deceased, and to invest the proceeds arising from said sale in other real estate, situate in the county of Suffolk, or Middlesex, in the name and to the use of his said wife for life, and the remainder in fee to her children, according to the provisions of said will, respecting said distil house, and land derived as aforesaid: *Provided*, the said Ebenezer Baker first give bond, with sufficient sureties, to the Judge of Probate for the county of Middlesex, that he will faithfully cause said premises to be sold to the best profit and advantage, and will well and truly invest the proceeds which shall arise from said sale in the manner herein above provided, and any deed, made and executed by the said Ebenezer Baker, together with his said wife, of the premises aforesaid, in pursuance of the powers herein granted, and duly acknowledged by them, and recorded in the Registry of deeds for the county of Middlesex, shall make a valid title in fee to the purchaser thereof: *And provided further*, that the sale of the premises aforesaid, as well as the investment of the proceeds, and all deeds of conveyance in pur-

Proviso.

Proviso.

surance of such sale and investments, shall be approved by the Judge of Probate for the said county of Middlesex, so as effectually to secure the rights and interests of the said Alice Baker and all her children, conformably to the true interest of the devise aforesaid.

[Approved by the Governor, January 27, 1827.]

CHAP. I.

An Act to incorporate certain persons as Trustees of the Parochial Funds of the Calvinistic Society in Worcester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William McFarland, Samuel Taylor, William B. Fox, Parley Goddard, and Loammi Ives Hoadley, of said Worcester, members of said Calvinist Society, and parties to a certain indenture made by Daniel Waldo, of the other part, dated the twenty-ninth day of July last, conveying certain real estate to said persons in trust for the benefit of said society, be, and they, with their successors, hereby are incorporated into a body politic forever, by the name and title of "the Trustees of the Parochial Funds of the Calvinist Society in Worcester," and by that name and title shall have perpetual succession.*

Persons incorporated.

SEC. 2. *And be it further enacted, That the said Trustees shall have and keep a common seal, subject to be changed or altered at pleasure, and may sue and be sued, and prosecute and defend, to final judgment and execution by the name and title aforesaid; and the number of said Trustees shall never be less than five, three of whom shall form*

Common seal, &c

Number of Trustees.

Trustees to
choose officers.

a quorum for doing business ; and the said Trustees are hereby authorized and empowered to choose a President, Treasurer, and Clerk, and such other officer or officers as they may judge necessary for the due management of the concerns of the said Corporation ; to make such by-laws and regulations, from time to time, as they may think fit, not repugnant to the Constitution and laws of this Commonwealth, and to exercise all powers, incident to corporations, which may be necessary to effect the objects of their appointment.

Hold the convey-
ed estate.

Act recorded, &c.

SEC. 3. *And be it further enacted*, That the real estate conveyed by said Daniel Waldo as aforesaid shall vest in and be holden by the said Trustees and their successors, conformably to the provisions expressed and contained in the indenture aforesaid, and not otherwise ; and the said Trustees shall insert among their records a copy of this act, and also of said indenture, and in the management, appropriation, and disposal of said real estate, or of any portion thereof, or of the proceeds thereof, the said Trustees and their successors shall strictly conform to, and be governed by the provisions and directions, expressed and contained in the indenture aforesaid ; and shall also do and perform all the acts and duties pointed out and enjoined therein.

Power to re-
ceive, &c.

Proviso.

SEC. 4. *And be it further enacted*, That the said Trustees, and their successors, be, and they hereby are vested with full power to receive, and hold all monies, securities for money, and all grants of real and personal estate, which may hereafter be given and made to them by individuals, in trust, for the support of public worship in said Calvinist Society, and shall hold, manage, appropriate, and dispose of all such estate, real or personal, as shall be given and granted to them as aforesaid, and accepted by them, conformably to the true intent and meaning of the donors thereof, as expressed in their respective deeds or instruments of conveyance : *Provided nevertheless*, that the annual income of such

real and personal estate exclusive of the estate conveyed by the indenture aforesaid, shall never exceed the sum of two thousand dollars; and all deeds and instruments which the said corporation shall lawfully make, by the name aforesaid, and sealed with their common seal, and all acts done, and matters passed upon by a major part of the members thereof, shall be valid in law, and binding on said corporation: *Provided*, the same be not repugnant to the Constitution and laws of this Commonwealth.

SEC. 5. *And be it further enacted*, That when and so often as any vacancy or vacancies shall happen in said Corporation, by death, resignation, removal from said Calvinist society, or otherwise, the same shall be filled from the members of said Calvinist society by the owners of pews in the meeting house of said society, in the way and manner pointed out and prescribed in and by the indenture aforesaid, and not otherwise.

SEC. 6. *And be it further enacted*, That Loammi Ives Hoadley be, and he hereby is authorized and empowered to call the first meeting of said Trustees, who shall thereafter determine the mode of calling the future meetings of said Corporation.

[Approved by the Governor, February 2, 1827.]

CHAP. LI.

An Act relating to the duties of the Reporter of decisions in the Supreme Judicial Court.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That it shall be

Reporter's duty. the duty of the Reporter of the decisions of the Supreme Judicial Court to publish annually, all the decisions of said Court on any legal question or questions which shall have been argued by counsel :
 P.viso. *Provided however*, that the said Reporter shall exercise his discretion in the performance of the duties of his said office, reporting each and every case, more or less at large, according to the relative importance of such case to the public interest, so as not to enlarge the size or number of the volumes of Reports.

Duty of Court, &c. SEC. 2. *And be it further enacted*, That whenever a decision shall be made by said Court, on any question argued as aforesaid, in the absence of the Reporter, it shall be the duty of the Court to communicate such decision to him in writing, the better to enable him to comply with the provisions of law in this behalf enacted.

[Approved by the Governor, February 2, 1827.]

CHAP. LII.

An Act to incorporate the Bottomley Manufacturing Company.

Persons incorporated. SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Bangs, Benjamin Poor, and George Bangs, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of the Bottomley Manufacturing Company, for the purpose of manufacturing cloths and woollen goods in the town of Leicester, in the

county of Worcester, and for that purpose shall have all the powers and privileges, and be liable to all the duties and requirements contained in an act, entitled, "an act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate not exceeding in value fifty thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid. Estate.

SEC. 3. *Be it further enacted*, That any one or more of the persons above named, are hereby authorized and empowered to call the first meeting of the members of said Corporation, at such time and place as he or they may see fit to appoint, by advertising the same in any newspaper printed in the city of Boston, or in the town of Worcester, for the purpose of choosing officers and making by-laws for the regulation of the officers of said Corporation. First meeting.

[Approved by the Governor, February 3, 1827.]

CHAP. LIII.

An Act in addition to an Act, incorporating the Hingham Mutual Fire Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever the

Term of insurance.

sum subscribed by the associates of the said Company, shall amount to Fifty Thousand Dollars, the said Company shall be, and hereby are authorized to insure for any term of time, not less than one year, nor more than seven years, on any dwelling house, or other building, and on household furniture, in the county of Plymouth, to any amount not exceeding three quarters of the value of the property insured.

Repeal.

SEC. 2. *Be it further enacted*, That the third section of the Act, "Incorporating the Hingham Mutual Fire Insurance Company," be, and the same is hereby repealed.

[Approved by the Governor, February 3, 1827.]

CHAP. LIV.

An Act to prevent the destruction of Fish, in the Harbour of Edgartown, by seining, thereof.

Proviso.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons to catch, by seining thereof, or by the use of nets, any Fish in the Bays, Waters, Harbours, Creeks, or Arms of the Sea, within the boundaries of the town of Edgartown, excepting English Herring, Menhaden, and Mackerel: *Provided however*, that this act, shall not have force or effect to restrain the taking of Fish, in the manner aforesaid, in any place more than one mile from the limits of said town, nor within the limits of the Harbour of Holmes' Hole.

SEC. 2. *Be it further enacted*, That if any person or persons, shall violate the provisions of this act, each person so offending, for each and every such offence, shall on conviction thereof, pay a fine not exceeding ten dollars, nor less than one dollar, if the quantity of Fish so taken is less than one barrel, but if the quantity shall be one barrel or more, such person or persons so offending, shall forfeit and pay, for each and every barrel of Fish so taken, the sum of five dollars.

SEC. 3. *Be it further enacted*, That all fines and forfeitures, which shall be incurred by virtue of this act, shall be recovered, the one half to the use of him or them, who shall first sue for the same, and the other half to the use of the town of Edgartown, with legal costs of suit by action of debt, in any court proper to try the same.

[Approved by the Governor, February 3, 1827.]

CHAP. LV.

An Act incorporating the Bemis Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Luke Bemis, Seth Bemis, John Bellows, Thomas Cordis, and Henry G. Rice, with such others, as may hereafter associate with them, and their successors, be, and they are hereby made a Corporation, by the name of the Bemis Manufacturing Company, for the purpose of manufacturing Woolen and Cotton goods in the towns of Watertown, and Newton, in the county of Middlesex; and shall have all the powers and privileges, and be subject

to all the duties and requisitions, contained in an act, passed on the third day of March in the year of our Lord one thousand eight hundred and nine, entitled "an Act defining the general powers and duties of Manufacturing Corporations," and the acts in addition thereto.

Estate, &c.

SEC. 2. *Be it further enacted*, That the said Corporation, may be lawfully seized and possessed of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding two hundred thousand dollars, as may be necessary and convenient for the purposes aforesaid.

First meeting.

SEC. 3. *Be it further enacted*, That Seth Bemis, or either of the persons named in this act, be, and hereby is authorized to appoint the time and place for holding the first meeting of said Corporation, giving ten days notice thereof, either by personal notification or otherwise.

[Approved by the Governor, February 3, 1827.]

CHAP. LVI.

An Act in further addition to an Act, entitled "an Act, to incorporate the Ware Manufacturing Company."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said Manufacturing Company in their corporate capacity, may lawfully make and sell machinery, castings, and gearing, and fit up the same for use, wherever it shall be found necessary or convenient for the Corporation aforesaid.

[Approved by the Governor, February 3, 1827.]

CHAP. LVII.

An Act to incorporate the South Boston Iron Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Cyrus Alger, George C. Thacher, and William H. Howard, and their associates, successors, and assigns, be, and they hereby are made a Corporation, by the name of the South Boston Iron Company, for the purpose of working and manufacturing Iron in all its different branches at Boston, in the County of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, one thousand eight hundred and nine, entitled "an act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the Capital Stock of said Corporation, shall not exceed the sum of two hundred thousand dollars, and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of fifty thousand dollars, exclusive of the buildings and improvements, that may be made thereon by the said Corporation.

Capital Stock.

[Approved by the Governor, February 3, 1827.]

CHAP. LVIII.

An Act in addition to an Act, entitled "an Act to incorporate the Trustees of the Ministerial Fund, in the town of Berkley."

Amendment.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the second section of the act, to which this is in addition, be so amended, that the annual meeting of said Trustees, shall be holden in the month of February or March in each year, instead of the month of August, and that a written notification, signed by the Clerk of said Trustees, for the time being, and posted up at the meeting house of the First Congregational Society, in said Berkley, seven days at least, before such meeting, shall be legal notice of such meeting.

Repeal-

SEC. 2. *Be it further enacted,* That the said second section of the before mentioned act, so far as the same is contrary to the provisions of this act, be, and the same is hereby repealed.

[Approved by the Governor, February 3, 1827.]

CHAP. LIX.

An Act to incorporate the Supervisors of the Adams Temple and School Fund, in Quincy, in the County of Norfolk.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas Greenleaf, Josiah Quincy, Thomas Boylston Ad-

ams, Edward Miller, and George W. Beale, be, and they are hereby constituted a body politic and corporate by the name of the Supervisors of the Adams Temple and School Fund in Quincy, in the County of Norfolk, and that they, and their successors, to be appointed in manner as directed by three certain Deeds of gift, of John Adams, late of Quincy aforesaid, bearing date the 25th day of June, the 25th day of July, and the 10th of August, in the year of our Lord one thousand eight hundred and twenty-two, granting certain real estate, and a library, to the inhabitants of said Quincy, upon certain conditions therein expressed, shall continue a body politic and corporate forever, and by the same name may sue and be sued in all actions, and may prosecute the same to final judgment and execution.

May sue, &c.

SEC. 2. *Be it further enacted*, That the said Supervisors, in concert with the Selectmen of the town of Quincy, for the time being, shall have power and authority, and it shall be their duty to carry into effect the intentions of the said donor, by any act, which by the said deeds they are authorized or directed to perform, and upon the conditions therein prescribed and accepted by the said town.

Selectmen's duty

SEC. 3. *Be it further enacted*, That any gift, grant, bequest, or devise, which may hereafter be made to said Supervisors, for the purposes intended by the said donor, in the said deeds of gift, or either of them, shall be valid and effectual to all intents and purposes whatever, and they and their successors as aforesaid, are hereby empowered by purchase or operation of law to take, have, hold, use, improve, and manage any estate, real, personal, or mixed, the annual income of which shall not exceed the sum of five thousand dollars in trust, for the purposes to which the Temple and School Fund is applicable, and for the use and benefit, in so much as relates to the Temple of the Congregational Society at Quincy; and in so much as

Any gift, &c.
made valid.

Estates.

relates to the School of the inhabitants of the town of Quincy, in their corporate capacity.

Number required
for doing busi-
ness.

SEC. 4. *Be it further enacted*, That the said Supervisors may assemble and meet together as often as they may think it necessary for the promotion of their trust, any three of whom shall constitute a Board for doing business; but the concurrence of three at least shall be requisite to every act, and proceeding whatever. They may determine the manner of calling meetings, they may appoint a clerk, an agent or agents, and other needful officers and committees; they may make reasonable rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at their pleasure, and they may do and perform all acts, which corporate bodies are by law authorized to do and perform, subject to the conditions prescribed by the said deeds of gift, of the said John Adams, and to such as may be prescribed by any gift, grant, bequest, or devise, hereafter to be made, and which may enure to them, for the purposes and to the uses in the abovementioned deeds described.

Seal, &c.

Clerk.

SEC. 5. *Be it further enacted*, That the clerk of said corporation, shall be sworn to the faithful performance of the duties of his office, and shall have the care and custody of all papers and documents, belonging to the said Supervisors, and shall faithfully record in a book kept for that purpose all their acts and proceedings and shall certify the same, when thereto required, and he may call meetings when thereto directed by the Supervisors, and do whatever else may be incident to said office; and the said Supervisors may remove at their pleasure the said clerk, and appoint another in his place, and he shall on demand, deliver to his successor in office, as soon as may be, all the records, papers, and documents in his hands, in good order and condition; and if he shall neglect to do so, for thirty days next after such demand, he shall forfeit

and pay a fine of fifty dollars, and a further sum of thirty dollars per month for such neglect afterwards, which said fines when paid, shall enure to the benefit of the Temple and School Fund, to be sued for in any court proper to try the same.

SEC. 6. *Be it further enacted*, That the Library given to the town of Quincy, by the said John Adams, shall be, and continue under the direction of the Supervisors of the Temple, and School Fund, with the addition of the settled Minister of the Congregational Society, and the settled Minister of the Episcopal Society, at Quincy, for the time being, and their successors, while they shall remain such respectively, to be disposed of according to the conditions prescribed in the said deed of gift : and the proceedings of the said Supervisors and settled Ministers in relation to the disposal of the said Library, shall be recorded upon their books by their clerk.

Library.
Clerk to record proceedings.

SEC. 7. *Be it further enacted*, That it shall be the duty of the said Supervisors to cause to be recorded upon their books, copies of any proceedings of the inhabitants of the said town of Quincy, and also of the majority of the ministers, magistrates, lawyers, and physicians, inhabiting said town, made or had in conformity with the conditions expressed in the deeds of gift, of the said John Adams.

Supervisors duty

SEC. 8. *Be it further enacted*, That the Supervisors aforesaid, be, and they are hereby authorized upon the erection and establishment of the said School, to exercise any authority, and to do and perform any act in relation to the support and maintenance of the same, as Trustees forever, which the inhabitants of the town of Quincy may authorize, or confer upon them : *Provided*, the same be not repugnant to the laws of the Commonwealth.

Supervisors to exercise, &c.
Proviso.

SEC. 9. *Be it further enacted*, That the town Treasurer, of the town of Quincy, for the time being, shall also be Treasurer of the said Corporation, and shall be sworn to the faithful performance of the duties of his office ; and he shall give bond.

Treasurer

with sufficient surety or sureties, to be approved by the Supervisors and Selectmen, in such penal sum as they may require, with condition to perform all the duties incumbent on him as Treasurer; and he shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they, or the Selectmen shall require the same, and shall deliver to his successor in office, as soon as may be, all the books, and papers, property, and evidences of property in his hands as Treasurer of said corporation, in good order and condition; and in case, by reason of death, or other cause, the said town Treasurer, shall fail to perform the duties, and comply with the obligations herein prescribed the Supervisors together with the Selectmen, shall be empowered to appoint a Treasurer, for the time being, subject to the conditions required by this act.

Clerk's pay, &c.

SEC. 10. *Be it further enacted*, That the services of the said Supervisors, shall always be gratuitously rendered, but the clerk may receive such reasonable compensation for the performance of his duty, as the said Supervisors may see fit to allow, to be taken from the said Temple and School Fund.

First meeting.

SEC. 11. *Be it further enacted*, That Thomas Greenleaf, of said Quincy, is hereby authorized to appoint the time and place, for holding the first meeting of the said Supervisors, and to warn such meeting accordingly.

[Approved by the Governor, February 3, 1827.]

CHAP. LX.

An Act to incorporate the Roxbury Mutual Fire Insurance Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* Thomas K. Jones, Henry A. S. Dearborn, Charles Davis, Thomas Simmons, Nathaniel Dorr, Jonathan Dorr, D. A. Simmons, P. F. Copeland, Samuel J. Gardner, John Lemist, and their associates, successors, and assigns, are hereby constituted a body politic and corporate by the name of the Roxbury Mutual Fire Insurance Company, with powers and privileges, incident to such corporations, for the term of twenty-eight years. Persons incorporated.

SEC. 2. *Be it further enacted, That* when the sum subscribed to be insured shall amount to one hundred thousand dollars, said Corporation may insure, for the term of one to seven years, any buildings, goods, or furniture, to any amount, not exceeding three quarters of the value of the property insured. Term to insure. &c.

SEC. 3. *Be it further enacted, That* said Corporation may choose such officers and establish such by-laws as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy. Choose officers. &c.

SEC. 4. *Be it further enacted, That* the funds of said Corporation shall be vested in stocks, or loaned on such security as the Directors may order, and shall be appropriated first to pay the expenses of the Corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the Corporation exceeding the amount of their then existing funds, the Directors shall, Funds.

without delay, assess such sum as may be necessary on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed treble the amount of such premiums and deposits.

Provide.

SEC. 5. *Be it further enacted*, That whenever any member shall recover judgment against said Corporation, he may levy his execution on their estate or funds; but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the Directors: *Provided*, they first refuse or neglect for the space of sixty days to satisfy the execution after formal demand made on them for that purpose; and any Director, whose property may be thus taken, may sustain an action of the case against the Corporation, to recover full and adequate damages therefor.

Policy shall create, &c.

SEC. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on the land under it, and this provision shall not prevent the taking of other collateral security.

Treasurer shall demand, &c.

SEC. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the Treasurer shall demand payment of the insured or his legal representative, and likewise of the tenant in possession, and in case of non-payment, the Corporation may sustain an action for any sum due, either on the deposit note, or by assessment, and their execution may be levied on the insured premises; and the officer making the levy, may sell the whole or any part of the estate at auction, giving notice and proceeding in the same manner as is required in the sale of equities of redemption on execution; and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Execution.

SEC. 8. *Be it further enacted*, That this Corporation shall be liable to be taxed by any general ^{Liability.} law of this Commonwealth, taxing other similar institutions; and any member named in this act may call the first meeting, by advertising the same ^{First meeting.} in any newspaper printed in the county of Norfolk.

[Approved by the Governor, February 3, 1827.]

CHAP. LXI.

An Act to incorporate the Provident Institution for Savings, in the town of Taunton and its vicinity.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John West, ^{Persons incorpo-} Charles Richmond, James W. Otis, D. G. W. Cobb, ^{rated.} Samuel Crocker, John M. Williams, James L. Hodges, Daniel Brewer, William Reed, Nathaniel Wheeler, James Sproat, William A. F. Sproat, Jacob Chapin, Thomas C. Brown, Thomas Wetherbey, Thomas K. Yates, Theophilus Parsons, John S. Russell, James Ellis, Luther Hamilton, George Larnard 2d, James W. Crossman, William W. Crossman, Jonathan P. Sears, Charles Babbit, David C. Hodges, and Charles R. Vickery, together with such other persons as shall be duly elected members of said Corporation in the manner which is in this act provided, be, and they hereby are constituted a Corporation, and body politic, by the name of the Institution for Savings in the town of Taunton and its vicinity; and shall so continue for the term of twenty years.

SEC. 2. *Be it further enacted,* That the said Corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said Institution any deposit or deposits of money, and to use and improve the same for the purposes and according to the directions herein mentioned and provided.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said Corporation, shall be by the same used and improved to the best advantage, and the income or profit thereof shall be by them applied, and divided among the persons making the said deposits, their Executors, Administrators or Assigns, in just proportion, and the principal of such deposits may be withdrawn at such times and in such manner as said Corporation shall direct and appoint.

SEC. 4. *Be it further enacted,* That said Corporation may, at any legal meeting, have power to elect by ballot any other person or persons as members of said Corporation.

SEC. 5. *Be it further enacted,* That said Corporation may have a common seal, which they may change or renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person by their authority and direction, shall be good and valid; and the said Corporation shall at all times have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid.

SEC. 6. *Be it further enacted,* That the said Corporation shall hereafter meet at Taunton, some time in the month of January annually, and as much oftener as they may judge expedient; and any seven members of the said Corporation, the President, Secretary or Treasurer being one, shall be a quorum; and the said Corporation at their meeting in January annually, shall have power to elect and choose a President, and all other such officers as to them shall appear necessary, which officers, so

chosen, shall continue in office one year, and until others are chosen in their room; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

SEC. 7. *Be it further enacted*, That the said Corporation hereby are vested with power of ^{Laws.} making laws for the more orderly management of the business of the Corporation; *Provided*, ^{Proviso.} the same are not repugnant to the constitution or laws of this Commonwealth.

SEC. 8. *Be it further enacted*, That either of the persons named in the first section of this act may call the first meeting of said Corporation by public ^{First meeting.} notification in the Newspaper printed in Taunton, at such time and place as he shall judge proper.

SEC. 9. *Be it further enacted*, That the officers and agents of the said institution shall lay a state- ^{Statement.} ment of the affairs thereof, before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, concerning the same under oath; and the Legislature may ^{Legislature may make, &c.} at any time make such further regulations for the government of said institution, as they may deem expedient, and may amend or repeal this act at pleasure.

[Approved by the Governor, February 6, 1827.]

CHAP. LXII.

An Act to incorporate the Salem Charitable Marine Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John C.

Persons incor. Very, Nath'l. Appleton, Matthew Newport, and
 porated. Samuel Bartlett, and their associates, and their
 successors, be, and they are hereby incorporated
 and made a body politic, by the name of the Salem
 Charitable Marine Society, with power to have and
 common seal, &c. use a common seal, to sue and be sued, to ordain
 and make from time to time by-laws and rules for
 the government and management of the Corpora-
 tion: *Provided*, the same be not repugnant to the
 constitution and laws of this Commonwealth, and
 that they have all the privileges usually given by
 acts of incorporation to Charitable Societies.

Proviso.
 Estate. SEC. 2. *Be it further enacted*, That the said cor-
 poration may take by purchase, gift, grant, or in
 trust, or otherwise, and hold real estate, not exceed-
 ing the value of five thousand dollars, and personal
 estate not exceeding the value of twenty thousand
 dollars, for charitable purposes.

First meeting. SEC. 3. *Be it further enacted*, That John C.
 Very be, and is hereby authorized to call the first
 meeting of said Corporation by a notice published
 in one of the Newspapers printed in the town of
 Salem, and appoint the time and place thereof, at
 which meeting, such by-laws may be passed, as are
 not repugnant to the laws and constitution of this
 Commonwealth, and such officers chosen for the
 government of said corporation, as may be deemed
 expedient.

SEC. 4. *Be it further enacted*. That this act may
 be amended, revised or repealed, at the pleasure of
 the Legislature of this Commonwealth.

[Approved by the Governor, February 9, 1827.]

CHAP. LXIII.

An Act in addition to Acts empowering Judges of Probate to appoint Guardians to Minors and others.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That after application has been made according to law, to any Judge of Probate to appoint a Guardian to any person who, by excessive drinking, gaming, idleness or debauchery, is wasting his or her estate; and after notice has been given of such application, and the order thereon has been filed in the office of the Register of Deeds, as is now provided by law, all contracts for the payment of money, or the sale of personal or real estate, made by or with the party complained of, shall be null and void, in case a Guardian shall be appointed upon such application. Contracts void

SEC. 2. *Be it further enacted,* That whenever any Judge of Probate shall sustain any complaint, made by any Selectmen, as is by the Act to which this is in addition provided, it shall be the duty of such Judge to make a reasonable allowance for all expenses incurred in defending such spendthrift against such complaint. Judge's duty.

[Approved by the Governor, February 9, 1827.]

CHAP. LXIV.

An Act in addition to an Act entitled "an Act in addition to the Acts concerning the sale of Real Estate, by Administrators, Executors and Guardians."

Justices authorize.

Proviso.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, when it shall fully appear to the Justices of the Supreme Judicial Court, by the petition and representation of the Guardians of persons given to excessive drinking, idleness, gambling, or debauchery, that it would be for the benefit of such persons that their Real Estate should be disposed of, and the proceeds thereof be put out and secured to them on interest, the said Justices, after a full examination on the oath of the petitioner or otherwise, may authorize some suitable person or persons, to sell and convey such estate or part thereof, by deed or deeds, duly acknowledged and recorded in the Registry of Deeds for the County where such real estate may be situated; provided such person or persons first give bond, with sufficient sureties, to the Judge of Probate for the same County, to observe the rules and directions of law in the sale of Real Estates by Executors and Administrators: *Provided*, that no such license shall be granted unless the Certificate of the Overseers of the Poor, now by law required to be produced, shall also contain their approbation of such sale; or if in their opinion it is necessary that only a part of such estate should be sold, they shall certify what part.

[Approved by the Governor, February 9, 1827.]

CHAP. LXV.

An Act to incorporate the first Presbyterian Society in Millbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Asa Waters, Elias Forbes, Joseph Torry, Vernon Stiles, David Woodward, Calvin Barker, Simon Farnsworth and Aaron Trask, together with such others as may associate with them and their successors, be and they hereby are incorporated into a religious society, by the name of the First Presbyterian Society in the town of Millbury, with all the privileges and powers to which Parishes and Religious Societies are entitled by the constitution and laws of this Commonwealth; and such society shall have authority to take, hold and possess, by grant, gift, or otherwise, any real estate for parochial purposes, not exceeding the value of twenty thousand dollars, and to raise by voluntary contribution or otherwise a fund for the purpose of supporting public worship and other religious, parochial and charitable purposes, not exceeding twenty thousand dollars.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said Society may have power to order and establish such regulations, rules and by-laws as may seem to them expedient for the due government of the said Society, and the management of their funds and other parochial concerns, provided the same are not repugnant to the constitution and laws of this Commonwealth.

Power to establish, &c.

SEC. 3. *Be it further enacted,* That the said Society shall have full power and authority at any meeting duly called for that purpose to assess on the pews and seats which may be constructed in any house they may erect, all such taxes as may

May assess.

be necessary or proper for the maintenance of public worship, and the repairs and preservation of such house, and for all other parochial charges and expenses, according to the relative value of said pews and seats as the same shall be established by an appraisal in conformity with the by-laws of said Society; and the taxes so assessed shall be a lien on the pews and seats respectively on which they are assessed; and in case of the non-payment of the tax or taxes so assessed for the space of one year after the same shall be so assessed, the pew or pews, seat or seats, respectively, on which the same shall be assessed, shall be forfeited to the said Society, and may be sold at public auction, in such manner as the said Society shall by their by-laws and regulations provide; and the balance of the proceeds of said sale after deducting the amount of all taxes due thereon, and the charges of sale, shall be paid over to the proprietor or proprietors of the pew or pews, seat or seats, so sold or his assigns. And the Society shall have full authority to convey to the purchaser of any pew or or seat so sold, a good and vallyd title as proprietor thereof. And the said Society shall also have full power and authority at any meeting called as aforesaid, to assess, upon the polls and estates of the members thereof, all such taxes as may be necessary for the purposes aforesaid, agreeably to the provisions of the several acts of this Commonwealth, regulating Parishes and other religious societies.

Forfeit.

Further power.
Voting.

Proviso.

SEC. 4. *Be it further enacted,* That the proprietors of pews or seats in the house to be erected by said Society shall have a right to vote on any question in relation to the raising of money as aforesaid, or the management of the parochial concerns of said Society; and the said proprietors may authorize such other members of said society who may become occupants of pews or seats in said house, to vote upon any question aforesaid, in such manner and to such extent as

they may fix and determine from time to time:—
Provided, such proprietors shall not alter the
 regulations of said Society in relation to the rights
 of such occupants oftener than once in each year.

SEC. 5. *Be it further enacted*, That the first
 meeting of said Society shall be called by virtue
 of a warrant, upon the application of any five of
 the before mentioned persons, to be issued by any
 Justice of the Peace within and for the County of
 Worcester, directed to any one of the before named
 persons, requesting him or them to call such meet-
 ing, at such time and place as may be appointed
 in said warrant. And the said Society shall then
 and there proceed to elect their officers and shall
 determine in what manner future meetings of the
 said Society shall be called, and shall also fix the
 time and manner of electing the necessary officers
 of said Society and the tenure of their respective
 offices.

[Approved by the Governor, Feb. 10, 1827.]

CHAP. LXVI.

An Act to incorporate the proprietors of the Nan-
 tucket Lyceum.

SEC. 1. **BE** *it enacted by the Senate and House
 of Representatives in General Court assembled, and
 by the authority of the same*, That Samuel B.
 Tuck, George G. Mitchell, Edward G. Barney,
 Paul Mitchell jr. John W. Barrett, George B. Upton,
 Francis F. Hussey, Charles Bunker and Peter F.
 Ewer, with their associates, successors and assigns,
 shall be, and hereby are made a corporation for
 literary purposes, by the name of the Nantucket
 Lyceum, and by that name shall be, and hereby

May sue, &c.

are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Court of Record, or any other place whatsoever, and also to have, make and use a common seal, and the same to alter and renew at pleasure, and also to appoint a Treasurer and Clerk, with such other officers as they may think expedient, and also to establish and put into execution such by-laws and regulations as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of their affairs : *Provided*, the same be not repugnant to the constitution and laws of this Commonwealth.

May appoint officers.

Proviso.

SEC. 2. *Be it further enacted*, That the said Corporation are hereby made capable in law, to hold and possess real estate to the amount of five thousand dollars, and personal estate, to the amount of six thousand dollars, to be divided into shares not exceeding one hundred dollars each.

Estate.

First meeting.

Proviso.

SEC. 3. *Be it further enacted*, That Samuel B. Tuck be, and he hereby is authorized and empowered to call the first meeting of said proprietors by publishing the time and place thereof in some Newspaper in Nantucket, one week at least before the time of said meeting ; *Provided, nevertheless*, That this act of incorporation shall be determinable at the pleasure of the Legislature.

[Approved by the Governor, Feb. 12, 1827.]

CHAP. LXVII.

An Act to incorporate the First Independent Universalist Society in Springfield.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Edmund Allen,

Alexander Stocking, Dudley Brown, Israel Phillips, Persons incorporated.
 Jun. Etham A. Clary, Moses Y. Beach, who have associated, or may associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the First Independent Universalist Society in Springfield, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are entitled by the laws and constitution thereof.

SEC. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estate, real or personal, for the use of said society, the annual income of which shall not exceed five thousand dollars. Hold estate.

SEC. 3. *Be it further enacted*, That the members of said society are hereby authorized to raise, by donation or subscription, a fund for the purpose of supporting a Universalist minister in said society: *Provided*, the annual income thereof shall not exceed eight hundred dollars; and all subscribers to said fund shall be holden to pay the same according to the subscription. To raise a fund. Proviso.

SEC. 4. *Be it further enacted*, That any two of the abovenamed persons are hereby authorized to notify the first meeting of the members of the said corporation, by advertising the time and place thereof in one or more of the public newspapers, printed in Springfield, three days at least before such meeting; and that the said society may, at such, or any other meeting, agree on the mode of calling other meetings, and elect a Clerk and Treasurer, and such other officers and such committee, and establish such rules and by-laws not inconsistent with the constitution and laws of the Commonwealth, as they shall see fit, and the same may change at pleasure. First meeting. Elect officers.

SEC. 5. *Be it further enacted*, That this act shall continue in force for twenty-one years from the date of its passage, and no longer. Term.

[Approved by the Governor, February 13, 1827.]

CHAP. LXVIII.

An Act to incorporate the Proprietors of the Exchange Coffee House.

Persons incorpo-
rated.

May sue, &c.

Proviso.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That Edward H. Robbins, Jun. Franklin Dexter and Samuel Adams Wells, and all such persons as may associate with them, as proprietors, their successors and assigns, shall be and hereby are constituted a body politic and corporate, by the name of the Proprietors of the Exchange Coffee House, for the purpose of erecting, holding, and managing a house of public entertainment, and its appropriate appurtenances, with power to hold and improve the buildings now erected on the land above described, for purposes similar to those for which the same are now occupied and improved; and by that name may sue and be sued, defend and be defended, in any courts of record or other place whatsoever, and shall and may do and suffer all matters, acts, and things, which bodies politic may do and suffer, and may make, have, and use a common seal, and the same at pleasure break, alter and renew, and ordain and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their affairs; and for the breach of such by-laws, ordinances, and regulations, may order fines and penalties not exceeding ten dollars for every breach: *Provided*, that such by-laws, ordinances, and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same is, declared capable

to hold, have, and possess, in fee simple, or other-^{Estate.}
 wise, all or any part of that real estate in the city
 of Boston, bounded westerly on Devonshire street,^{Boundary.}
 there measuring eighty-seven feet and five inches,
 thence turning and bounded southerly on land of
 Jonathan Mason, there measuring sixty-five feet
 more or less, bounded westerly again on land of
 said Mason, there measuring twenty feet and nine
 inches; then bounded southerly again on the Qua-
 ker meeting house estate, there measuring one
 hundred and fourteen feet and seven inches; eas-
 terly on Congress street, there measuring eighteen
 feet and ten inches; northerly on a court laid out
 by the late proprietors of the Exchange Coffee
 House, and known by the name of Congress square,
 there measuring ninety-three feet and four inches;
 easterly again on said Congress square, there
 measuring seventy-seven feet and four inches;
 northerly again on the estate late of James Prince,
 deceased, there measuring fifty-seven feet and one
 inch, to the point of beginning on said Devonshire
 street: *Provided*, the said Corporation shall ac-^{Proviso.}
 quire the same by legal grant from the lawful pro-
 prietors thereof; and also to have, hold, and pos-
 sess such personal property, as together with the
 estate above described, shall not exceed in value
 the sum of one hundred thousand dollars, and said
 corporation shall have power to grant, sell and alien
 in fee simple or otherwise, the said corporate pro-
 perty, or any part thereof, and to lease, manage,
 and otherwise improve the same according to their
 will and pleasure, and by such forms of convey-
 ance and contract as shall by their by-laws be pro-
 vided.

SEC. 3. *Be it further enacted*, That said pro-
 prietors, at any legal meeting, may agree upon the
 number of shares into which said estate shall be
 divided, and agree upon the form of certificates to
 be given to the proprietors, which shares shall be
 deemed and considered as personal estate, and shall
 be transferable by assignment on the back of the
<sup>Shares, certifi-
 cates, &c.</sup>

certificate, recorded by the clerk of the corporation, in a book to be kept for that purpose, and shall be liable to attachments on mesne process and sale on execution, in the manner, and according to the form of the statutes making provision for the attachment and sale of shares of debtors in incorporated companies.

Estate, &c. liable.

SEC. 4. *Be it further enacted*, That the real estate and other property of said corporation shall be liable to be attached on mesne process, and be set off and sold on execution against the corporation, in the same manner as the property or estate of individuals is by law subject to mesne or final process.

Power to assess, &c.

SEC. 5. *Be it further enacted*, That said corporation shall have power, from time to time, to assess on the stockholders such sums of money, not exceeding in the whole the sum of one hundred thousand dollars aforesaid, for the purchase, improvement, and good management of their estate, and for erecting, repairing, or altering buildings, or for the incidental expenses of the corporation, and to sell and dispose of the shares of any delinquent proprietor for the payment of such assessment, in such way and manner as said corporation may, by their by-laws and regulations, determine and agree on.

Votes.

SEC. 6. *Be it further enacted*, That in all meetings of the Stockholders in said corporation, each member shall be entitled to one vote for each share held by him.

First meeting.

SEC. 7. *Be it further enacted*, That either of the persons named in the first section of this act, may call the first meeting of said corporation, by advertising in any newspaper printed in Boston, three times, the first not less than three days before the time appointed for such meeting; and the corporation, at their first meeting, and afterwards, annually, on such day as shall be established by the by-laws, shall choose a President, Clerk, and such other Directors or officers as they may see fit,

May choose officers.

which Clerk shall be under oath ; they may also agree upon the mode of calling future meetings.

SEC. 8. *Be it further enacted*, That all covenants or contracts which shall be made by said corporation, and all debts due from it, shall be binding on each one and all of those persons, individually, who shall be stockholders in said corporation, when such contracts respectively are made, and on their respective heirs, executors, and administrators, in the same manner as if such covenants or contracts had been made on debts contracted by such Stockholder or Stockholders in his or their individual capacity. Contracts, &c.
made binding.

SEC. 9. *Be it further enacted*, That the Legislature shall have authority to amend or repeal this act at any time hereafter : *Provided however*, that Proviso. any act of the Legislature repealing this act shall have the effect of vesting all the real and personal estate of said corporation in the individual members thereof, and their legal representatives, in the same proportions as they shall, at the time of such repeal, respectively hold the stock of said corporation.

[Approved by the Governor, February 13, 1827.]

CHAP. LXIX.

An Act in addition to an Act, entitled “an Act, in addition to an Act, to incorporate the President, Directors, and Company of the Asiatic Bank, in Salem.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That a further

period of twelve months from and after the fourth day of March next, be, and hereby is allowed to the said Corporation, for the payment of the addition to its Capital Stock, authorized by the act, to which this is in addition.

[Approved by the Governor, February 13, 1827.]

CHAP. LXX.

An Act to prevent unnecessary delay and expense in the Prosecution of Real Actions.

Writ or suit
abated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, 'That in all suits, and actions, for the recovery of lands, tenements, or hereditaments, now pending, or which may hereafter be commenced, the writ or suit shall not be abated, by the death, or by the marriage, or other disability of the demandant, but if a sole demandant die, or be disabled to prosecute the suit, his, or her heir, or such other person, as would, in case the action were abated, be entitled to commence the like action either alone, or jointly with the former demandant, may on motion be permitted to prosecute the suit accordingly. And if one or more of several demandants die, or be disabled as aforesaid, the heir or other person interested as aforesaid, may on motion be permitted to prosecute the suit jointly with the other demandants, and if in the latter case, there shall be no motion to be admitted as aforesaid, at the term next after the happening of such death, or disability, or within such further time as the Court shall order, then the other demandant or demandants shall be allowed to prosecute the suits for so much, or such*

part of the premises as may then belong to them, and the heir or other person, so admitted to prosecute, shall be entitled and subject to costs, as if they had been original parties to such suit.

SEC. 2. *Be it further enacted*, That when there are two or more tenants, in any action brought, or which may be brought for the purpose above mentioned, and one or more of them shall die, after the commencement of the suit, the same may be prosecuted against the surviving tenant or tenants, if there be any, for so much or such part of the premises, as they then hold or claim; and in all the cases aforesaid, the Court shall allow such amendments of the declarations and other pleadings, and such suggestions on the record as the case may require.

Surviving tenant may be prosecuted, &c.

SEC. 3. *Be it further enacted*, That the like proceedings shall be had in all petitions for partition of lands, tenements, or hereditaments, in case of the death of the petitioner, or any one of the petitioners, or of the death of one or more of the respondents.

Like proceedings shall be had, &c.

[Approved by the Governor, February 19, 1827.]

CHAP. LXXI.

An Act to incorporate the first Methodist Episcopal Church, in New Bedford, in the County of Bristol.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonathan Tuttle, Timothy I. Dyer, James W. Dyer, James Moores, Reuben Jennings, Benjamin Pitman, Zacheus Cushman, Jonathan R. Ward, and

Persons incorporated.

John Fuller, all of New Bedford, in the County of Bristol, with their families and estates, together with such other persons as may hereafter associate with them, be and they hereby are incorporated into a religious society in the Town of New Bedford, in the County of Bristol, and made a body politic, by the name of the First Methodist Episcopal Church in New Bedford, with all the privileges, powers and immunities, to which religious societies are entitled by the Constitution and Laws of this Commonwealth.

Common seal.

SEC. 2. *Be it further enacted*, That the said body politic shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the Constitution and Laws of this Commonwealth.

Property.

SEC. 3. *Be it further enacted*, That said body politic may hold property, real or personal, or both, to an amount not exceeding ten thousand dollars, for the purpose of supporting with the income of the same, the preaching of the gospel, and other benevolent and religious purposes: *Provided*, that the income of the property thus held shall be appropriated according to the original design of the donor or donors.

Proviso.

Elect officers.

SEC. 4. *Be it further enacted*, That said body politic shall, at their first annual meeting, elect a Clerk, Treasurer, and nine Trustees, with such powers as shall be prescribed by the by-laws of said body politic; and the first meeting thereof may be called by Jonathan Tuttle, who is hereby authorised to issue his warrant therefor, for the choice of officers, and for organizing said society.

First meeting.

SEC. 5. *Be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of the Legislature.

[Approved by the Governor, February 19, 1827.]

CHAP. LXXII.

An Act in addition to an act to incorporate the President, Directors and Company of the City Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors and Company, of the City Bank, be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the President and Directors of said Bank may direct and determine: *Provided*, however, that the whole amount shall be paid in within one year from the passing of this act.

May increase stock.

Proviso.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid, shall be subject to the like tax, regulations, restrictions, and provisions, as the present Capital Stock of said Corporation is now holden, by virtue of the act to which this is in addition.

Additional stock, subject, &c.

[Approved by the Governor, February 19, 1827.]

CHAP. LXXIII.

An Act in addition to an act entitled an act to incorporate the Trustees of the Methodist Religious Society in Charlestown.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, any five of the Trustees of the Methodist Religious Society in Charlestown, shall constitute a quorum to do business, any thing contained in said act incorporating said Trustees to the contrary notwithstanding.

[Approved by the Governor, February 19, 1827.]

CHAP. LXXIV.

An Act in addition to an act to incorporate the Blackstone Canal Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of July next, the stockholders, in the Blackstone Canal Company in Rhode Island, a Corporation created by the Legislature of that state, be, and they are hereby constituted stockholders in the Blackstone Canal Company in this Commonwealth, with the same powers rights and privileges, as if they had originally subscribed an equal amount of stock in the Massachusetts Corporation, and that all the tolls and other property, real and personal, and all the powers, privileges, rights and interests,

Stockholders united.

Toll, &c.

then owned or afterwards acquired by the Massachusetts Corporation, shall belong to the stockholders for the time being, and the stockholders of the Rhode Island Corporation hereby associated with them, in proportion to the number of shares, by each of them owned, and that from and after the said first day of July next, neither of said corporations shall be capable of acquiring or holding separate property of any kind, but that every kind of property, rights and privileges, then owned or afterwards acquired, by either of said Corporations, shall be deemed and taken to be the joint property of the stockholders for the time being, in said two Corporations.

SEC. 2. *Be it further enacted*, That after the first meeting of said Massachusetts Company, next after the said first day of July next, and at all future meetings, the said Rhode Island Stockholders shall be entitled to the same notice, as the original Stockholders, and may be present and act accordingly, in as full a manner, as if they had originally subscribed to the stock of the Company in this state. That all meetings which shall be convened in pursuance of the by-laws, which may be established by the original and associated Stockholders, shall be legal and valid, and all officers chosen at such meetings, shall be officers of this Corporations, whether residing in this state, or the state of Rhode Island : *Provided*, that there shall always be one officer in each state, who is an inhabitant thereof, on whom process against said Corporation may be served, that the books and registry of the proceedings of said original and associated stockholders, shall be deemed and taken to be the books and proceedings of both Corporations, and it shall be the duty of said Corporations to keep a registry in both states of all transfers of stock either by the original or associated stockholders.

Same notice, &c.

Proviso.

SEC. 3. *Be it further enacted*, That the shares of any stockholder in said Company, whether made such by the provision of this act or otherwise, shall be

Liability.

Proviso.

liable to attachment and execution, within the state where such stockholder shall reside and be inhabiting at the time of such attachment being made, or in case of no attachment being so made in the state where he shall reside, when execution shall be levied thereon, as in case of other personal estate: *Provided*, that the officer serving or levying any such attachment, execution or other process, whereby to take, hold or create a lien upon the shares of any such stockholder, shall leave with the Clerk, or some other officer of said Company, or at his last and usual place of abode, an attested copy of the writ of attachment or execution, or other process, for taking, holding, or retaining a lien upon such shares, and whenever such shares shall be sold by virtue of any writ of execution, said officer shall leave with the Clerk, or some other officer of said Company, or at his usual place of abode, a certificate under his hand, stating the number of shares by him sold, and to whom sold under such writ of execution, and such purchaser thereof shall thereupon become a stockholder in said Company entitled to all the rights and privileges, and subject to all the duties and liabilities of the debtor or debtors, in said writ of execution, in regard to the stock so purchased, and any writ or process against said Company, shall in like manner be served by the officer leaving an attested copy thereof with the Clerk, or some other officer of said Company inhabiting this state, or at his usual place of abode.

SEC. 4. *Be it further enacted*, That this act shall take effect, from and after the first day of July next: *Provided*, the Legislature of Rhode Island shall, previous to that time, pass a similar act, constituting the stockholders in the Company in this Commonwealth, stockholders in the Company in Rhode Island, with like powers, rights, interests and privileges, which are hereby given to the stockholders in the Blackstone Canal Company in Rhode Island: *And provided, also*, that thereafter

each of said Corporations, in the states of Massachusetts and Rhode Island, shall accept and adopt the provisions of the aforesaid acts of the respective states.

[Approved by the Governor, February 20, 1827.]

CHAP. LXXV.

An Act in addition to an act entitled "An Act in furtherance of Good Discipline in the Colleges of this Commonwealth," passed June 19th, 1819.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the provisions of the said act, to which this is in addition, shall be extended and be applicable to Amherst College, and the discipline thereof, as fully to all intents and purposes, as the same would or might have been applied if the said College had been incorporated previously to the passing of the act to which this is in addition.

[Approved by the Governor, February 20, 1827.]

CHAP. LXXVI.

An Act to unite the Watertown and Brighton Fisheries in Charles River, and for the regulation and management thereof.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several fisheries described in an act made and passed on the first day of March, in the year of our Lord one thousand eight hundred and fifteen, entitled "an act to regulate the Shad and Alewife Fishery in the town of Brighton," and an act made and passed the third day of February, in the year of our Lord one thousand eight hundred and eighteen, entitled, "an act to regulate the Shad and Alewife Fishery in the town of Watertown," shall be united and hereafter constitute one fishery, and the right, franchise and property of said fisheries thus united, shall belong to, and be owned by said towns in the proportions following, that is to say, seven tenth parts thereof by the town of Watertown, and three-tenth parts thereof by the town of Brighton.

Fisheries united,
&c.

SEC. 2. *Be it further enacted,* That for the well ordering and good management of said fishery there shall, as soon after the passing of this act as may be, and thereafter annually in the month of January, be appointed by the Selectmen of the town of Watertown for the time being, three discreet and disinterested inhabitants of that town, and by the Selectmen of Brighton two of their inhabitants of like character, who shall continue in office for the space of one year from the date of their appointment, and until others shall be appointed in their places, but subject to removal at any time by the respective Selectmen of said towns, and they shall be denominated the Fish Wardens of Charles Riv-

Selectmen to ap-
point Wardens.

er, and shall have power to use and occupy the ^{Power.} said fishery by causing all such fish as pass into, or are found in said river within the limits of said towns of Watertown and Brighton, to be taken at such times, in such manner, with such seines, nets, utensils, and machinery, and by such persons, agents, or servants as they may see fit to employ for that purpose; or they may lease and farm out, by public or private sale for one or more years, not exceeding five years in any one contract, the said fishery, entire or by parcels, as they may consider will be most advantageous for their respective towns; and each of said towns shall provide the same place or places where the fish have heretofore been taken on the margin of said river, within their respective limits, to be used at all times for landing and drawing the fish to shore, as occasion may require; but said Fish Wardens shall not have the right or power of taking any of the fish called shad and alewives, or to authorize any other person to take them, on more than three days in any one week.

SEC. 3. *Be it further enacted,* That it shall be the duty of said Fish Wardens, immediately upon the receipt of any monies arising from the management, rent, or sales of said fishery, after deducting therefrom such sums as they may have necessarily expended in conducting said business, to pay over the same to the respective Treasurers of said towns, in the proportions aforesaid, taking their receipts for the same; and, in the month of December annually, they shall make up their accounts with a full and fair report of their whole proceedings in the premises, and deliver one set to the Selectmen of each town to be examined, allowed, and passed by them; and the said Fish Wardens shall be entitled to such compensation as their respective towns employing them may see fit to allow them; and the acts and doings of any three of said Fish Wardens, when the whole have ^{Warden's duty, &c.}

been notified, shall be binding and as valid in law as if all five had acted and concurred therein.

Restrictions.

SEC. 4. *Be it further enacted,* That if any person shall cast or put into the waters of Charles River, within the limits of the towns of Watertown and Brighton, any seine, net, or other machine or instrument whatever, (other than a hook and line, as is commonly used for taking small fish,) for the purpose, or with a design to take, or in any manner destroy any of the fish therein, or prevent their free passage up and down, along or across, said river, or any part thereof, without license first had from said Fish Wardens, he or she so offending, shall forfeit and pay for each offence, a sum not less than twenty dollars, nor more than forty dollars, according to the nature and aggravation of the offence.

Forfeit.

Penalty for killing, &c.

SEC. 5. *Be it further enacted,* That if any person shall take, kill, or destroy any fish within the limits of the said towns of Watertown and Brighton, without license from the Fish Wardens of Charles River, (except the taking them with hook and line as aforesaid,) every person so offending, shall forfeit and pay, for every fish killed, taken, or destroyed, the sum of thirty cents.

Use, recovery, &c. of fines.

SEC. 6. *Be it further enacted,* That all fines and forfeitures which may be incurred by any breach of this act, shall enure and be to the use of the respective towns of Watertown and Brighton, in the proportions hereinbefore stated, that is to say, seven-tenth parts thereof to the use of the town of Watertown, and three-tenth parts thereof to the use of the town of Brighton, and shall and may be recovered on complaint before any Justice of the Peace, where the penalty does not exceed twenty dollars, or by indictment before the Supreme Judicial Court, or Court of Common Pleas, or the same may be recovered by action of the case before any Court proper to try the same, in a suit in the name of the Fish Wardens of Charles River, for the uses aforesaid; and the death of any War-

den shall not be deemed an abatement of any suit or process, but the same may proceed to final judgment and execution in the name of said Wardens.

SEC. 7. *Be it further enacted*, That all acts and parts of acts, inconsistent with, or contravening any of the provisions of this act, be, and the same are hereby repealed: *Provided however*, that the provisions of this act shall be always subject to the revision, control, amendment, or repeal of the Legislature. Repeal.
Proviso.

[Approved by the Governor, February 21, 1827.]

CHAP. LXXVII.

An Act in addition to the several Acts regulating Parishes and Precincts, and the officers thereof.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it may be lawful for the inhabitants of any parish or precinct within this Commonwealth, at their meeting in the month of March or April, annually, to appoint their Treasurer a Collector of taxes in their said parish or precinct. And the said Collector, so appointed, shall be and hereby is empowered to issue his warrant to the Sheriff of the county or his deputy, or to any Constable of the town or towns within which the said parish or precinct may be situated, directing them to distrain the person or property of any person or persons, who may be delinquent in the payment of his or her taxes after the expiration of the time fixed for the payment thereof, by any vote of such parish or precinct, subject to the same provisions and restrictions, as are now in Appoint Collec-
tor, &c.
Power.

force, regulating the collection of Town, State and County taxes by the collectors of the several towns in this Commonwealth.

Abatement.

SEC. 2. *Be it further enacted*, That the several parishes and precincts in this Commonwealth may authorize and empower their Treasurer and Collector to make an abatement of such sum as said parish or precinct may agree upon at their annual meeting, to all those who make voluntary payment of their taxes in the manner prescribed in the second section of an act providing for the collection of taxes, passed on the fifteenth day of February, in the year of our Lord one thousand eight hundred and sixteen.

[Approved by the Governor, February 21, 1827.]

CHAP. LXXVIII.

An Act to repeal an act, entitled, "an act to repeal part of an act, entitled, an act to regulate Town Meetings in the town of Danvers."

Repeal.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That an act passed the twenty-sixth day of February, A. D. one thousand eight hundred and thirteen, entitled, "an act to repeal part of an act, entitled, an act to regulate Town Meetings in the town of Danvers," be, and the same is hereby repealed.

Division.

SEC. 2. *Be it further enacted*, That from and after the passage of this act, the said town of Danvers shall be, and the same hereby is, for the choice of Selectmen and Assessors, divided into two districts, by a line commencing at the middle of Water's Bridge, so called, at the Iron Factory,

thence running through the middle of the pond of said factory, and by the brook running into the same, to the bridge on the county road near Daniel Tapleý's dwelling house, thence by the road leading by Nathan Felton's and Thorndike Proctor's dwelling houses, to the county road near Francis Proctor's dwelling house, thence by said road westerly to the Newburyport Turnpike, thence by said Turnpike to Lynnfield; and that a bare majority of the Selectmen, and of the Assessors of said town, shall be chosen from among the inhabitants of each district alternately, that is to say, a major part of said officers shall be chosen in March or April, A. D. one thousand eight hundred and twenty-seven, from among the inhabitants of the district north of said divisional line; and the other Selectmen and Assessors for the same year, from among the inhabitants of the district south of said line; and in March or April, A. D. one thousand eight hundred and twenty-eight, a major part of said officers shall be chosen from among the inhabitants of the district south of said line; and the other Selectmen and Assessors for the same year, from among the inhabitants of the district north of said line, and so alternately in regular annual succession thereafter.

Selectmen, &c.
how chosen.

[Approved by the Governor, February 21, 1827.]

CHAP. LXXIX.

An Act to incorporate the Methodist Episcopal Society in the town of Lowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William*

Persons incorpo-
rated.

Estate.

Proviso.

Trustees.

Trustees' power,
4c.

Wyman, James R. Barns, John Johnson, John G. Moor, James Wilson, Jonathan Knowles, Elisha W. Sweet, Nathaniel Damon, Parker Dutton, Lambert Howe, and their associates, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the First Methodist Episcopal Society in the town of Lowell, with all the powers, privileges, and immunities, to which parishes are entitled by the Constitution and laws of this Commonwealth, and may purchase, receive by gift or otherwise, and hold real or personal estate, the annual income of which shall not exceed the sum of two thousand dollars, for the purpose of building a house, and supporting public worship therein; and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient for the government of their society and the management of their parochial and ministerial funds: *Provided*, such by-laws and regulations shall be in no wise contrary to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That all gifts, grants, or monies received by said Society, shall be under the direction of seven Trustees, to be appointed agreeably to the usages of said Methodist Episcopal Church.

SEC. 3. *Be it further enacted*, That said Trustees be, and they are hereby, vested with, and shall have full power to receive, all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised, or subscribed, for the use of said Society, and said Trustees are hereby empowered by purchase or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust for the support and maintenance of the gospel ministry, and other expenses of said society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex, be, and he is hereby empowered, on application therefor, to issue his warrant to some member of said Methodist Episcopal Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual meetings, and to transact such other parochial business as may be authorized by said warrant. Meeting.

SEC. 5. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature.

[Approved by the Governor, February 21, 1827.]

CHAP. LXXX.

An Act to incorporate the Trustees of the First Baptist Ministerial Church Fund in Randolph.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Spear, of Randolph, Isaac G. Blanchard and John-son Tolman, of Stoughton, and their successors, be, and they hereby are constituted a body politic and corporate by the name of the Trustees of the Ministerial Fund of the First Baptist Church and Society in Randolph, and by that name may sue and be sued, plead and be impleaded, and may have a common seal; and shall possess, and may enjoy, all such other powers and privileges as are incident to corporations of like nature. Persons incorporated. May sue, &c.

Power to take,
&c.

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to take, hold, collect, and receive all such subscriptions, donations, grants, bequests, and devices of real or personal property or estate, as have been made to the said Church and Society, or may hereafter be made to the said Trustees for the said Church and Society, and the same shall be valid and effectual to all intents and purposes whatever: *Provided*, the annual income of such property and estate shall not exceed twelve hundred dollars.

Proviso.

Rules and regula-
tions to be adopt-
ed.

SEC. 3. *Be it further enacted*, That the said Trustees, together with the donors of the funds already raised for the purpose aforesaid, shall, at a meeting to be called for that purpose, as herein afterwards provided, adopt such rules and regulations for the management of said funds as they shall deem expedient, and such rules and regulations, when so adopted, shall be forever afterwards unalterable and binding upon said Trustees, unless altered by the authority of the Legislature: *Provided*, such rules and regulations shall not be repugnant to the Constitution and laws of this Commonwealth. And the said Trustees and donors shall, at such meeting, prescribe the mode of calling future meetings and organizing the same, and determine the number and duties of said Trustees, and the manner of supplying vacancies in their number: *Provided however*, that none of said Trustees shall be responsible for the acts of the others.

Proviso.

Proviso.

Income appropri-
ated, &c.

SEC. 4. *Be it further enacted*, That the income of said funds shall be appropriated and expended in compliance with the directions and express intentions of the respective donors; but no part of the principal or capital amount of said funds shall ever be expended by said Trustees, except in cases of donations or grants made for the express purpose of having the principal expended.

SEC. 5. *Be it further enacted*. That the said Trustees, first appointed, shall, within three months from the passing of this act, file in the Clerk's of-

office of the town of Randolph, a copy of their permanent rules and regulations, attested by their Clerk, which copy shall and may be used as evidence in all cases where the original would be evidence.

SEC. 6. *Be it further enacted*, That Samuel Spear be, and hereby is, authorized to call the first meeting of said Trustees and donors, by posting a notification of the time and place thereof at the First Baptist Meeting-house in Randolph fourteen days prior to said meeting. First meeting.

SEC. 7. *Be it further enacted*, That this act shall continue in force for twenty-one years and no longer.

[Approved by the Governor, February 21, 1827.]

CHAP. LXXXI.

An Act to preserve and secure from damage Marshfield Beach, and the meadows thereto adjoining.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Marshfield, in the county of Plymouth, be, and they are hereby authorized and empowered, to build a sea wall, palisades or hedge fences, to preserve and secure the whole of Marshfield Beach from the incursions and encroachments of the sea (excepting the sea-shore lying directly between Hewett's and Branches Islands and the sea,) and the same from time to time to repair as occasion may require, and for said purpose to make use of any stones, sand, gravel, or clay there found, and also to take and appropriate all the lumber which may at any time drift on to said

To build a sea wall, &c.

beach, unless the same shall be reclaimed by the owner or owners thereof within sixty days.

Penalties for cattle, &c.

SEC. 2. *Be it further enacted*, That from and after the first day of May next, no neat cattle, horses, or sheep shall be permitted to go at large on said beach; and if any person shall voluntarily turn on to said beach, or any part thereof, any such creatures, he shall forfeit and pay, to the use of said town, for every one of such creatures, excepting sheep, one dollar, and for every sheep twenty-five cents.

Stones, &c. not to be taken without permission.

SEC. 3. *Be it further enacted*, That no person, without the permission of the Selectmen of said town, or of the Committee hereinafter mentioned for the time being, shall, contrary to the true intent and meaning of this act, dig up, take, or carry away any stones, gravel, sand, or clay, found on said beach, or take or carry away any lumber or wood which may drift on to said beach, unless such lumber may belong to, or have drifted from the possession of such person or persons, or cut or carry away any trees, bushes, or beach grass growing thereon, on pain that every person offending, shall forfeit and pay to the use of said town, at and after the rate of two dollars for every ton of stones, sand, gravel, or clay so dug up, taken, or carried away; and four dollars for every ton of lumber, and one dollar for every foot of wood so taken and carried away; and for cutting or carrying away any trees, bushes or beach grass, growing on said beach, a sum not less than one dollar, nor more than ten dollars, in the discretion of the Court who may try the same.

Penalties sued for, &c.

SEC. 4. *Be it further enacted*, That the penalties aforesaid may be sued for in the name of the Treasurer of said town, for the time being, and recovered to the use of said town by action of debt in any court proper to try the same.

Committee's power, &c.

SEC. 5. *Be it further enacted*, That it shall be lawful for the Committee hereinafter mentioned, or either of them, or any person by them autho-

rized, to take up and impound any neat cattle, horses, or sheep at any time found going at large on said beach, he or they relieving such creatures with suitable meat and water during the time of their confinement, and when any of the creatures aforesaid shall be so impounded, it shall be the duty of the person or persons impounding them, within twenty-four hours, to inform the owner thereof, if known, by leaving a written notification at his usual place of abode; or, if unknown, by posting up a written notification in three public places in said town, which notification shall describe such creatures, and specify the time, place, and cause of impounding them; and if such owner shall not, within three days from the time of leaving or posting up such notifications, pay, or offer to pay to the Pound keeper, the penalty or penalties incurred as aforesaid, and also the reasonable expenses of the relief and sustenance of such creatures, together with the pound keeper's legal fees, such pound keeper may proceed to sell such creatures at public auction, first giving notice of the time and place of sale, by posting up a written notification thereof in three public places in said town, at least forty-eight hours before said sale, and after deducting from the proceeds of any such sale, the said penalties, expenses, and fees, together with the costs of such sale, the surplus, if any, shall be paid to such owner, if he shall demand the same within one year after such sale; otherwise it shall be paid in the to Treasury of the said town of Marshfield, for the use of said town.

Persons impounding, to inform, &c.

Pound Keeper to sell, &c.

SEC. 6. *Be it further enacted*, That said town of Marshfield, at their annual town meeting in March or April, or at any other legal meeting, may choose a Committee of one or more persons, whose duty it shall be, to cause the provisions of this act to be carried into full effect, and who shall be sworn to the faithful discharge of that duty, and who are hereby authorized to sue for and recover, in the

May choose a Committee.

name of the Treasurer of said town, the penalties herein beforementioned.

Compensation to
certain persons.

Proviso.

SEC. 7. *Be it further enacted*, That if any person has a legal title in, or to said beach, or any part thereof, he shall have a right to a compensation in damages, to be paid by said town of Marshfield, for any injury he may sustain under any of the provisions of this act, which damages shall be estimated by a jury, to be awarded by the Court of Common Pleas in and for said county, and recovered with costs in the same manner, in which damages are estimated and recovered by persons injured by the laying out of highways: *Provided*, application therefor be made by petition to said Court, within twelve months from and after the passing of this act, saving to said town of Marshfield the right to contest the title of any such applicant in and to said beach, or any part thereof, by pleading to issue to any such petition, and such issue, whether in law or fact, shall be tried in said Court; and either party shall have a right to appeal from the judgment of said Court thereon, to the Supreme Judicial Court, in and for said county, and in case such issue be finally determined in favor of such applicant, said Court of Common Pleas shall proceed to award a Jury to estimate damages as aforesaid; but if such issue be finally determined against such applicant, said town of Marshfield shall recover against them their costs.

This act, how
void.

SEC. 8. *Be it further enacted*, That this act shall be void unless the inhabitants of the town of Marshfield, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the same within six months after the passing of this act.

[Approved by the Governor, February 21, 1827.]

CHAP. LXXXII.

An Act to authorize the erection of a Dam, across
Saggamore Creek.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elijah Crane, and Ezra Glover, their heirs and assigns be, and they are hereby authorized and empowered to build a dam or dams on land, which they or either of them now own, or hereafter may own across Saggamore Creek, so called in the towns of Quincy, and Milton, for the purpose of using the tide waters of said Creek in driving a mill or mills, which they may erect on or near said Creek : Pro-* Provido. *vided nevertheless, that all owners of lands, that may be overflowed in consequence of the erection of such dam or dams, shall have the same remedy in law against the said Crane and Glover, their heirs, and assigns, as is provided in and by an act, for the support and regulation of mills, and the several acts in addition thereto.*

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXIII.

An Act to incorporate the Mutual Fire Assurance
Company of Springfield, and the vicinity.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Zebina Stebbins, Joseph Carew, David Ames, Festus Steb-* Persons incorporated.

bins, Walter Stebbins, John Newbury, Sable Rogers, Jacob Bliss, and their associates, hereafter shall be a corporation by the name of the "Mutual Fire Assurance Company of Springfield. and the vicinity," and possess all the powers and privileges incident to such corporations, and shall so continue for the term of twenty years from the passing of this act.

Term.

Board of Directors, &c.

SEC. 2. *Be it further enacted*, That said corporation shall choose a Board of Directors not more than nine nor less than five, and shall establish such by-laws as they may deem necessary, provided that such by-laws shall not be repugnant to the Constitution and laws of the Commonwealth. In all matters decided in any legal meeting of said corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy legally authorized.

Duties and powers of Directors.

SEC. 3. *Be it further enacted*, That the Board of Directors shall superintend the concerns of said corporation, and shall have the management of the funds and property thereof, and all matters and things thereunto relating not otherwise provided for. They shall have power from time to time to appoint a Secretary, Treasurer, Surveyor or Surveyors, and such other officers, agents and assistants as to them may seem necessary, and to prescribe their duties, fix their compensation, take such security from them as they may judge proper for the faithful performance of their respective duties, and remove them at pleasure. They shall determine the rates of assurance, and the sum to be assured on any building, not exceeding three fourths of its value. They shall order and direct the making and issuing of all Policies of Insurance, the providing of books, stationery, and other things needful for the office of said corporation and for carrying on the affairs thereof, and may draw on the Treasurer for the payment of all losses incurred in transacting the concerns of said Corporation. They shall elect one of their own number to act as President and may hold their meetings as

often as necessary, and shall keep a record of their proceedings, and a majority of the whole number of Directors chosen shall constitute a quorum for the transaction of business. Quorum.

SEC. 4. *Be it further enacted*, That when the sum subscribed by the associates to be insured shall amount to fifty thousand dollars, said Corporation shall then be authorized to insure for the term of six years any dwelling house or other building in the County of Hampden. Insurance.

SEC. 5. *Be it further enacted*, That every person who shall become a member of said Corporation by effecting insurance therein, shall before he receives his Policy, in addition to the premium, deposit his note without interest for such sum of money as shall be determined by the Directors, which shall be payable in part or the whole at any time when the Directors shall deem the same requisite for the payment of losses or other expenses, and at the expiration of the term of assurance, such note or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof. Deposit note.

SEC. 6. *Be it further enacted*, That the funds of the Corporation shall be vested in stocks or loaned on such security as the Directors may order, and the funds shall be appropriated, first to pay the expenses of the Corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim against the Corporation exceeding the amount of the then existing funds, the Directors shall without delay assess such a sum as may be necessary on the members, which assessment shall be in proportion to the amount of premium and deposit, but shall not in any case exceed fifty cents on each hundred dollars insured, and the same on each hundred dollars of the deposit note. Funds, &c. Assessment.

Buildings, &c.
pledged.

SEC. 7. *Be it further enacted*, That all buildings insured by and with said Corporation, together with the right, title, and interest of the assured to the lands on which they stand, shall be pledged to said Corporation, and said Corporation by the Policy of Insurance shall have a lien thereon against the assured during the continuance of his, her, or their Policies, and until the payment of all legal assessments and taxes.

Directors neglect
&c.

SEC. 8. *Be it further enacted*, That whenever any member shall recover judgment, and the Directors shall neglect to satisfy and pay the same, within ninety days after demand made for that purpose on the Treasurer, Directors, Secretary, or any Director of said Corporation, then the execution issuing upon such judgment may be levied upon the private property of any of said Directors, to the amount of the excess of the funds of the Corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgment previously demanded, and any Director who may have his property taken may sustain an action on the case, to recover compensation therefor of the Corporation, or a proportional part thereof and contribution therefor of the Directors.

Persons losing to
give notice.

SEC. 9. *And be it further enacted*, That whenever any person shall sustain any loss of property by fire so insured, he or she shall, within thirty days after, give notice of the same to such of the Directors as shall be agreed upon by the said Corporation for that purpose, whose duty it shall be immediately to view where the fire happened and to inquire into the circumstances attending the same, and determine in writing under their hands the amount, if any, of the liability of said Corporation for such loss; and if the sufferer shall not acquiesce in their determination, he or she, within thirty days after such determination is made known, may bring an action at law against said Corporation for such loss, before any Court of competent jurisdic-

tion within the County of Hampden, and in case the sufferer shall not by verdict of a jury recover more than the damage determined upon by the Directors as aforesaid, the plaintiff in such action shall have judgment upon the verdict; but the Corporation shall recover their costs, and execution shall issue for the balance in favour of the party entitled to recover it.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to be taxed by any Liability. general law of the Commonwealth providing for the taxation of all similar Corporations, and any two persons named in this act may call the first First meeting. meeting of said Corporation, by giving notice thereof in either of the newspapers printed at Springfield, four days at least previous to said meeting.

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXIV.

An Act to incorporate the Saxonville Parish in the Town of Framingham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Josiah Stone, Eliphalet Wheeler, F. A. Bertody, Jas. Stimpson, Persons incorpo- Burleigh Bullard, John Whitney, Edward Warren, rated. John Rice, Dexter Fairbanks, Isaiah Wild, Henry Daleiker, William Phillips, Lyman Morse, and all others, who have or may associate with them, and their successors, be, and they hereby are incorporated as a religious Society, by the name of the Saxonville Parish in the Town of Framingham, with all the privileges, powers, and immunities to

which other religious societies in this Commonwealth are entitled by the Laws and Constitution thereof.

Estate.

SEC. 2. *Be it further enacted*, That the said society shall be capable in law to purchase, hold and dispose of any estates real or personal, for the use of said society, the annual income of which shall not exceed two thousand dollars.

First meeting.

To elect officers.

SEC. 3. *Be it further enacted*, That any two of the above named persons are hereby authorized to notify the members of said Corporation, by posting notice of the time and place of holding their first meeting, at the meeting house door in said Framingham, near the Saxon Factory, seven days at least before such meeting, and that the said society may, at such or any other meeting, agree on the mode of calling future meetings, and elect a Clerk and Treasurer, and such other officers, and such committees, and establish such rules and by-laws, not inconsistent with the Constitution and Laws of the Commonwealth, as they may see fit, and may annul and change the same at their pleasure.

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXV.

An Act to prevent the taking of Fish by seins or nets in Congamon Ponds in Southwick.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to catch any fish with seins or nets, in the Congamon Ponds in

Southwick, and if any person or persons shall catch any fish with a seine or net in the ponds aforesaid, he or they shall forfeit a sum not less than five dollars, nor more than twenty dollars, for each and every such offence, to be recovered by an action of debt to the use of him or them who shall sue for the same. Penalty.

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXVI.

An Act in addition to the several acts concerning
Depositions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That when the plaintiff or plaintiffs in any suit, which now is, or hereafter may be commenced in any Court of this Commonwealth, shall discontinue said suit, or become non-suit therein, and another suit shall afterwards be commenced in any of the said Courts, on the same cause of action, between the same parties, or their legal representatives, all depositions duly taken according to law to be used in the suit, so non-suited or discontinued, and which could have been legally used in the trial thereof, may be used in such new suit or action, as if they had been taken specially therefor : *Provided*, that at the time of the non-suit or discontinuance of such first mentioned suit, the said depositions had been duly filed in Court, and there remained in the custody of the Clerk of the Court, where such suit was originally commenced, until the commencement of the new suit aforesaid, and provided further that the cause of taking said deposi- Non-suits, &c.

Proviso

tions, shall continue to exist, at the time they are to be used in the trial of such new suit, or there shall be at that time good cause for taking such depositions.

Certain depositions, &c.

SEC. 2. *Be it further enacted*, That any deposition in perpetual remembrance of a thing, taken during the pending of any action, may be used as evidence in such action, in the same manner as if the said deposition had been taken before the commencement of the said action.

Deponent's neglect, &c.

SEC. 3. *Be it further enacted*, That if any deponent having been summoned in the manner provided in the fourth section of the act, entitled "an act prescribing the mode of taking depositions, and administering oaths and affirmations," passed February 3, 1798, to give evidence in any cause pending in any court of any other State or Government, or in perpetual remembrance of a thing, and having had tendered to him the fees therein mentioned, shall neglect to appear at the time and place appointed in the summons, such deponent shall be subject to like actions and forfeitures and capias, as are provided by law, where witnesses are summoned to Court and do not appear.

Justices to issue capias in certain cases, &c.

SEC. 4. *Be it further enacted*, That when any person, who shall have been duly summoned to appear before any Justice or Justices of the Peace within this Commonwealth, to give any deposition which such Justice or Justices may be authorized by law to take, the legal fees of such person having been duly tendered, shall refuse or neglect to obey such summons, it shall be lawful for such Justice or Justices to issue a capias against such person, compelling him or her to attend for the purpose aforesaid, in the same manner as Justices of the Peace are by law authorized to do in cases pending before them; and if such person shall unreasonably refuse to answer interrogatories, the Justice or Justices, before whom he may have been so summoned to appear, may commit him to the Gaol of

the County in which said Justice or Justices may reside, there to remain until he shall answer such interrogatories, or be discharged by due order of law.

SEC. 5. *Be it further enacted*, That all Justices of the Peace, within this Commonwealth, be, and they hereby are authorized and empowered, to issue subpœnas to persons to appear and testify in any case pending, or which may hereafter be pending, in any Court of Probate within this Commonwealth, in the same manner as they are now authorized by law, to issue subpœnas to persons to attend and testify, in any of the cases for which provision is made by the laws now in force. Justices' power.

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXVII.

An Act to provide for the payment to the County of Worcester for the use of their House of Correction.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That there be allowed and paid to the Treasurer of the County of Worcester from the Treasury of this Commonwealth, for the use and occupation of so much of the House of Correction in said County, as has been used by the convicts sentenced to the same by the Justices of the Supreme Judicial Court, or either of them, since the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty-four, at the rate of three hundred dollars per annum; and his Excellency the Governor, by and with the advice of Council, is

hereby authorized to draw his warrant on the State Treasurer for such sum as may be due to the County of Worcester, for the use, by the Commonwealth, of their House of Correction, agreeably to the provisions of this act.

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXVIII.

An Act to regulate Pilotage from the sea into New Bedford and Fairhaven.

Number of Wardens.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That from and after the passing of this act there shall be appointed by the Governor, with the consent of the Council, five persons, three of whom shall reside in New Bedford and Fairhaven, and two in Dukes county, to be denominated Wardens of the Port and District of New Bedford, who shall hold their offices during the pleasure of the Executive, and whose duty it shall be, to grant warrants to a suitable number of persons to be Pilots for the ports of New Bedford and Fairhaven; and the said Wardens shall have full power and authority to institute all necessary rules and regulations for the government of such Pilots as they shall commission, with power to revoke any commission by them granted, whenever in their estimation it shall become necessary and proper.

Pilots power.

SEC. 2. *Be it further enacted*, That any one of the Pilots appointed under the provisions of this act; shall have authority to board and take charge of all vessels from foreign voyages or ports bound into New Bedford or Fairhaven, and being there-

unto requested, shall conduct them to either of the said ports.

SEC. 3. *Be it further enacted*, That either of the said Pilots appointed as aforesaid, shall, while in New Bedford, when thereunto requested, take charge of any vessel ready for sea, and shall conduct her to sea, at the rates hereinafter specified: *Provided*, that if either of the Pilots appointed as aforesaid, shall offer himself as a Pilot to any vessel coming into either of the ports of New Bedford or Fairhaven, from any foreign port or voyage, or going out of either of said ports to any foreign port, and the master of such vessel shall decline receiving said Pilot, then, and in every such case, said Pilot shall be entitled to demand and receive from the master or owner of such vessel, one half of the amount of Pilotage to which he would have been entitled, if he had been received on board said vessel, unless some other of said Pilots are on board. Proviso.

SEC. 4. *Be it further enacted*, That every Pilot appointed as aforesaid, shall, before entering upon the duties of his station, be sworn or affirmed to the faithful discharge of the duties of a Pilot, and shall give bond to the Wardens of said port for the time being, in the sum of one hundred dollars, conditioned for the faithful performance of his duties, and shall give up his branch or commission, when demanded of him by a vote of the majority of the Wardens aforesaid, under penalty of fifty dollars, for every vessel he shall attempt to pilot after notice of his removal; and any one Pilot, being commissioned and qualified as aforesaid, is hereby empowered to take charge of any vessel drawing more than nine feet of water, going into either of the ports of New Bedford or Fairhaven, from any foreign port or voyage, or vessels of the same draught of water, bound on any foreign voyage, from either of said ports, first shewing to the master of such vessel his warrant and stating the amount of his fees. Pilot to be sworn,
&c.

Rate of pilotage.

SEC. 5. *Be it further enacted*, That the rate of Pilotage, which each of the Pilots commissioned as aforesaid, shall be allowed to demand and receive, shall be as follows, to wit:—For all vessels inward bound, drawing fifteen feet of water and upwards, two dollars per foot; for all vessels drawing twelve feet of water and under fifteen, one dollar and seventy-five cents per foot; for all vessels under twelve feet, one dollar and fifty cents per foot; for all vessels outward bound, drawing fifteen feet and upwards, seventy-five cents per foot; for all vessels drawing less than fifteen feet, and more than twelve, sixty-two and one half cents per foot; for all vessels not exceeding twelve feet, fifty cents per foot.

Non-commissioned pilots compensation, &c.

SEC. 6. *Be it further enacted*, That when any vessel bound into either of the ports of New Bedford or Fairhaven, shall have on board any Pilot not commissioned by the Wardens of the Port and District of New Bedford in manner aforesaid, he shall surrender said vessel to either of the Pilots commissioned by the Wardens of said Port and District of New Bedford, when thereto requested; and such non-commissioned Pilot shall be compensated for his services in manner following, to wit: If such non-commissioned Pilot shall have conducted such vessel into the upper harbor of New Bedford, before surrendering her to a Warrant Pilot; as aforesaid, he shall receive the whole sum, as is provided by this act, to be paid to a Warrant Pilot, and whenever such non-commissioned Pilot shall conduct any vessel into Tarpaulin Cove to anchor, he shall receive one half of the whole sum provided by this act, to be paid for piloting a vessel from sea into the harbors of New Bedford or Fairhaven, and whenever such non-commissioned Pilot shall conduct any vessel through Quickes Hole into Buzzard's Bay, and there surrender her as aforesaid, he shall receive two-thirds of the whole sum provided to be paid for piloting a vessel from sea into the harbor of New Bedford and Fairhaven.

For conducting any vessel as aforesaid, into the mouth of Buzzard's Bay, so far as so intersect a line drawn from the Hen and Chickens to the light house on Cuttyhunk, he shall receive three quarters of the whole sum as aforesaid; and for conducting any vessel so far as to intersect a line drawn due east and west across the north part of the great ledge, he shall receive seven-eighths of the whole sum as aforesaid: *Provided always*, that Proviso. all such sums as shall be allowed and paid to such non-commissioned Pilots, in manner as aforesaid, shall be deducted from the amount allowed by this act to any Warrant Pilot to whom such vessel shall be surrendered, so that the sums paid to both Pilots shall not exceed the whole sum provided by this act, to be paid for piloting a vessel from sea into the harbors of New Bedford and Fairhaven.

SEC. 7. *Be it further enacted*, That each and every Pilot commissioned by virtue of this act, shall be liable for all delays and damages, occasioned by his neglect or ignorance, to be recovered by a suit upon his bond, given to said Wardens; which bond shall be prosecuted in the name of the Wardens of said Port and District for the time being, for the benefit of the party injured by such neglect. Liability of Pilots.

SEC. 8. *Be it further enacted*, That all licensed fishing vessels and coasting vessels shall be and they hereby are exempted from the operation of this act. Certain vessels exempted.

[Approved by the Governor, February 23, 1827.]

CHAP. LXXXIX.

An Act to establish the Hoosac Mountain Turnpike Corporation.

Persons incorpo-
rated.

Road described.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Consider Scott, Ebenezer Thayer, Joseph P. Allen, Calvin B. Hawkes, Anson Mayhew, George Mayhew, Sylvester Maxwell, and Joseph Merrill, and all such other persons as shall associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of the "Hoosac Mountain Turnpike Corporation," for the purpose of making a turnpike road from Charlemont in the County of Franklin, to Adams in the County of Berkshire, beginning at a large rock on the north bank of Deerfield river, near the dwelling house of Hepzibah Rathbone, in Charlemont, thence crossing Deerfield river in the most suitable and convenient place to the mouth of Cold river, thence westerly near said river to Haskin's tavern, on the top of the mountain, thence westerly in the most convenient route to the north branch of Hoosac river, thence following the course of said branch, to the north village of Adams: And shall have all the powers and privileges, and be subject to all the requirements prescribed and contained in an act, entitled "an Act, defining the general powers and duties of Turnpike Corporations," passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and the several acts in addition thereto.

SEC. 2. *Be it further enacted,* That when the said road shall be sufficiently made, and shall be allowed and approved agreeably to the provisions of the act aforesaid, the said Corporation shall be authorized to erect one gate, and at the same shall

be entitled to demand and receive of each traveller or passenger the following rates of toll, to wit: for every coach, phaeton, or other four wheeled carriage, drawn by two horses, twenty-five cents, and for each additional horse, six and a quarter cents; for each cart or wagon, drawn by two horses or oxen, twelve and a half cents, and for each additional horse or ox, six and a quarter cents; for each curricule sixteen cents; for each chaise, chair, or sulky, twelve and a half cents; for all four wheeled carriages drawn by one horse, seven cents; for each sleigh or sled, drawn by two horses or oxen, ten cents; and for each additional horse or ox, four cents; for each sleigh, sled, or cart, drawn by one horse seven cents; for each man and horse, six and a quarter cents; for all sheep and swine, three cents by the dozen; for horses and neat cattle, exclusive of those rode on, and in carriages, two cents each; for each foot passenger over the bridge across Deerfield river, two cents.

SEC. 3. *Be it further enacted*, That nothing in this act contained, shall deprive the Legislature of this Commonwealth of the power to authorize the appropriation of the whole or any part of the land, over which the said turnpike may be located, for the purpose of constructing a rail way, upon and over said land: *Provided, however*, that if the said land shall ever be appropriated for the purpose aforesaid, the said Turnpike Corporation shall receive an adequate compensation for any damage they may thereby sustain, to be determined in such manner as the Legislature shall appoint.

[Approved by the Governor, February 23, 1827.]

CHAP. XC.

An Act altering the times of holding the Courts of Common Pleas, in the County of Dukes' County.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Court of Common Pleas, now holden at Edgartown, within and for the County of Dukes' County, on the Monday next after the fourth Monday of May, and the Monday next after the fourth Monday of October, shall be holden hereafter on the third Monday of May, and the third Monday of October, annually.

Time altered.

Writs, &c. to be returned.

SEC. 2. *Be it further enacted,* That all writs, appeals, recognizances and processes, and every other matter or thing, returnable to, or now pending in said Court of Common Pleas, shall be returned to, and have day in said Court, at the times for holding the same established by this act. And all parties, and persons, who before passing this act, were required to appear and attend at the terms aforesaid, shall appear and attend, and have like day in Court, at the terms established by this act, pursuant to its true intent and meaning.

[Approved by the Governor, February 23, 1827.]

CHAP. XCI.

An Act to incorporate the Massachusetts Charitable Eye and Ear Infirmary.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John

Welles, Benjamin Joy, Robert G. Shaw, Samuel H. Walley, Edward Tuckerman, Lucius M. Sargent, Bryant P. Tilden, Edward H. Robbins, Jr. James C. Merrill, and Charles P. Curtis, Esqrs. with Edward Reynolds, and John Jeffries, Physicians, all of the City of Boston, together with their associates, be, and they are hereby incorporated and made a body politic, for the purpose of gratuitously relieving and curing diseases of the Eye and Ear, and of enabling poor persons afflicted with such diseases to submit to a course of medical treatment for the same, by the name of "the Massachusetts Charitable Eye and Ear Infirmary," and that they, their associates, and successors, shall have perpetual succession by the said name, and shall have power to make by-laws for the preservation and advancement of said Institution, not repugnant to the Constitution and laws of this Commonwealth.

Persons incorporated.

SEC. 2. *Be it further enacted*, That the said Corporation be, and it is hereby authorized and empowered to make, appoint, and have a common seal, and is hereby made liable to be sued, and enabled to sue and defend in its corporate capacity, in any of the courts of record in this Commonwealth: and is hereby licensed and empowered to make purchases and to receive grants, devises, and donations of real estate, to the amount not exceeding thirty thousand dollars, and personal estate to an amount not exceeding seventy thousand dollars.

By-laws, &c.

SEC. 3. *Be it further enacted*, That the said Corporation shall meet at Boston on the last Thursday of October annually, for the purpose of choosing by ballot twelve Managers, a Secretary, and a Treasurer; and public notice of the time and place of holding such meetings, shall be given, once at least, in two of the newspapers published in Boston seven days before the day of meeting, and votes may at all elections be given in person or by proxy.

Seal, &c.

Amended
 1959, 13
 additional holdings - 1/2
 375,000, 000

Managers chosen &c.

Managers to ap-
point surgeons,
&c.

SEC. 4. *Be it further enacted*, That the business of said managers shall be to appoint surgeons, and when they deem it expedient, an apothecary of said Infirmary, to provide medicines and surgical instruments, to distribute money among poor patients, to defray expenses of board whilst under treatment, and to regulate all other affairs of the Institution; any three of said managers shall constitute a quorum, and all legal instruments which they shall make and execute, shall, when signed by their President or Chairman, and sealed with their common seal, bind the said Corporation, and be valid in law.

First meeting.

SEC. 5. *Be it further enacted*, That Edward Tuckerman, Esq. be, and, is hereby authorized, by public notice, in two of the Boston newspapers, to call the first meeting of said Corporation, at such time and place, as he shall judge proper, at which meeting the said Corporation shall have all the power vested in them at their stated annual meetings in October, but the officers then chosen shall not continue in office longer than the next meeting in October, unless re-elected.

SEC. 6. *Be it further enacted*, That this act may be amended or repealed at the pleasure of the Legislature.

[Approved by the Governor, February 23, 1827.]

CHAP. XCII.

An Act concerning the pay of Members of the General Court or Council, in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and

after the first day of June next, any Member of the General Court or Council, who shall be taken sick whilst going to, or returning from, or in attendance upon the General Court, or Council, as a member thereof, and who by reason of such sickness may be unable to travel or be removed to the place of his residence, shall be allowed and paid out of the Treasury of this Commonwealth the same sum per diem, after the adjournment of the Council or branch of the General Court to which he may belong, and during the continuance of such disability, as he would have been entitled to receive during the session thereof. *Provided*, the same shall not extend beyond the commencement of the first session of the next succeeding General Court. Proviso.

[Approved by the Governor, February 23, 1827.]

CHAP. XCIII.

An Act to incorporate the Proprietors of Norfolk House.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same. That Sherman Leland, Charles Davis, Samuel I. Gardner, John Champney and David A. Simmons, and such others as may be associates with them as proprietors, their successors and assigns, shall be, and hereby are constituted a body politic and corporate, by the name of the Proprietors of Norfolk House, for the purpose of erecting, holding and managing a house of public entertainment and its appropriate appurtenances, and by that name may sue and be sued, defend and be defended, and may do and suffer such acts and things as other bodies Persons incorporated.
May sue, &c.

Proviso

corporate may do and suffer, may have a seal, and make all necessary by-laws : *Provided*, the same be not repugnant to the Constitution and laws of this Commonwealth.

May hold certain Real Estate.

Proviso.

SEC. 2. *Be it further enacted*, That said Corporation, may take and hold in fee simple or otherwise, all or any part of that Real Estate in Roxbury, known by the name of the Ruggles Estate, not exceeding twenty rods in front on the highway leading to Dedham, one hundred and fifty rods on the highland road, sixty rods on land of Benjamin F. Copeland, and one hundred and fifty rods on land of Martha Ruggles and the heirs of William Lambert : *Provided*, the same be acquired by legal grant ; and shall have power to improve and manage the same for an Hotel, and to sell and dispose of the same at pleasure : *Provided, further*, that the whole amount of estate of said corporation, real and personal, shall not exceed the sum of forty thousand dollars.

Shares, &c.

SEC. 3. *Be it further enacted*, That the proprietors, at any legal meeting, may determine the number of shares said estate shall be divided into, and the mode of transferring the same, which shares shall be deemed personal estate, and be subject to attachment and sale, in like manner as the shares of debtors in other incorporated companies, and said real and personal estate of said corporation shall be liable to be taken on mesne process or execution, and set off or sold in the same manner as the property of individuals is, or shall be, by law.

Estate liable, &c.

May assess, &c.

SEC. 4. *Be it further enacted*, That said Corporation may, from time to time, assess upon the stockholders. such sum not exceeding three hundred dollars on each share, for the purchase, improvement and management of their estate, as may be deemed needful, and may dispose of the shares of delinquents, as the corporation, by their by-laws shall determine.

SEC. 5. *Be it further enacted*, That either of the

persons named in the first section of this act, may call the first meeting, by advertising the same in any newspaper, printed in the County of Suffolk or Norfolk, and each member shall be entitled to one vote for each share, and the corporation, at the first meeting, and afterwards annually on such day as may be established by the by-laws, may choose a Treasurer, Clerk, and such other officers, as they see fit, and the Clerk shall be under oath, and they may also determine the mode of calling future meetings.

SEC. 6. *Be it further enacted*, That all covenants and contracts made by, and debts due from said Corporation, shall be binding on one and all of the persons, who shall be stockholders when such contracts are made, as fully as if such contracts had been made by said stockholders individually, and the Legislature shall have authority to alter, amend or repeal this act at any time hereafter : *Provided, how-* ever, that any act of the Legislature, repealing this act, shall have the effect of vesting all the real and personal estate of said Corporation in the individual members thereof, and their legal representatives, in the same proportions as they shall at the time of such repeal respectively hold the stock of said Corporation.

First meeting.

Covenants, &c.

Proviso.

[Approved by the Governor, March 2, 1827.]

CHAP. XCIV.

An Act authorizing the Town of Cambridge to establish a Board of Health.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the inhab-*

Election of Board
of Health, their
duty, &c.

itants of the Town of Cambridge, qualified to vote for Town Officers may, in the month of March or April annually, in Town Meeting assembled, elect, by ballot, five or seven able and discreet persons, being freeholders, and residents in said Town, to be a Board of Health, whose duty it shall be, when notified by the Town Clerk of their election as aforesaid, to meet within six days after such notice, and organize themselves by electing a President and Secretary. The Secretary thus chosen to be sworn to the faithful discharge of the duties of said office, which oath shall be entered and subscribed by such Secretary, on the records of said board, and attested by the person administering the same; and a certificate from the records of said board, shall be received and admitted as evidence in all cases relating to the proceedings of said board. On the death or resignation of any member of the said Board of Health, such vacancy shall be filled by election by ballot, at the next Town Meeting which may be holden after such vacancy, and a majority of the board shall be competent to transact any business which the whole board could transact.

Vacancies.

Power and duty.

SEC. 2. *Be it further enacted*, That the said Board of Health shall have power, and it is hereby made their duty to examine into all causes of sickness, nuisances and sources of filth, that may be injurious to the health of the inhabitants of the Town of Cambridge, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof; and the same to destroy, remove or prevent, as the case may require; and all the expenses attending the same to be paid by the person or persons who caused such nuisance to exist, if known, and if not known, such expenses to be paid by the town; and in all cases where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of said board, and ordered to destroy or remove the same, shall forthwith remove or destroy such

filth or nuisance ; and in case such owner or occupier shall refuse or neglect to remove such filth, nuisance or cause of sickness, from his, her, or their property, within the time specified by said board, he, she, or they so offending shall forfeit ^{Fine, &c.} and pay a fine, of not less than five dollars, nor more than one hundred dollars, to be sued for and recovered by said board of health in manner hereafter directed ; and any two members of said board may cause the same nuisance to be removed or destroyed as the case may require ; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owner or occupiers, on whose premises, or in whose possession such cause of sickness, nuisance, or source of filth may be found ;—and the said board may have ^{Scavengers,} power to appoint scavengers when necessary to carry into effect the requirements of this act, and the same to remove and substitute others at the pleasure of the board.

SEC. 3. *Be it further enacted,* That the said Board of Health shall have power to seize, take ^{Further power granted.} and destroy, or remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the Town of Cambridge.) shall be injurious to the health of those who might use them, and the cost of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholesome, putrid or tainted article shall or may be found ; and whenever said board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any building or vessel, having been refused such entry by the owner or occupant thereof, within the limits of the Town of Cambridge, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause

Justices Warrant,
&c.

Proviso.

of sickness aforesaid, which said board have reason to believe is contained in such building or vessel, any member of said board, by order of said board, may apply to any Justice of the Peace, within and for the County of Middlesex, and on oath complain and state on behalf of said board the facts, as far as said board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid, and such Justice shall thereupon issue his warrant, directed to the sheriff of the County of Middlesex, or either of his deputies, or to any Constable of the Town of Cambridge, therein requiring them or either of them, taking with them sufficient aid and assistance, and also in company of said Board of Health, or any two members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, is complained of as existing as aforesaid, and there, if found, the same to destroy, remove or prevent, under the directions and agreeably to the order of said Board of Health, or such members of the same as may be present for such purpose : *Provided, however*, that no Sheriff, Deputy Sheriff, or Constable, shall execute any civil process, either by arresting the body, or attaching the goods, and chattels, under color of any entry made for the purpose aforesaid, unless such service could by law be made without such entry ; and all services so made under cover of such entry, shall be utterly void ; and the officers making such service shall be considered as trespassers, and shall suffer the pains and penalties of the law in such case made and provided : and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the cost arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness, to exist, or in whose possession the same may be found.

SEC. 4. *Be it further enacted*, that the said Board

of Health shall have power to make such rules, Make rules. &c. orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth, or causes of sickness, within the Town of Cambridge, which they may think necessary; which rules, orders and regulations, after having been posted up in three or more public places within the town, shall continue in force, and be obeyed by all persons until altered or repealed by said board, or by the said town; and any person or persons who shall disobey or violate any such rules, orders or regulations, so as aforesaid made, shall severally forfeit and pay a sum for Forfeit. such offence, not less than one dollar nor more than fifty dollars, according to the nature and aggravation of the offence. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the town treasurer of the Town of Cambridge, and the same shall be paid by the treasurer of said Town; and the accounts of said Board, including all receipts and expenditures of money shall be examined annually, and reported to the town, by a committee appointed for that purpose.

SEC. 5. *Be it further enacted*, That all fines, for- Fines &c how recovered and to what use. feitures, and sums to be paid, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of the Board of Health of the Town of Cambridge; and the said Board of Health shall pursue said prosecution to final judgement, in any Court within the County of Middlesex, having competent jurisdiction; and all monies arising by fines, forfeitures or sums to be paid under any of the provisions of this act, shall enure to the use of the inhabitants of the Town of Cambridge, and shall be accounted for by said Board to the Treasurer of said Town.

SEC. 6. *Be it further enacted*, That whenever said Board shall commence any process against any person or persons under this act, and costs shall

Defendants may
have action, &c.

be adjudged for the defendant or defendants in such process, and execution issues thereon shall remain unpaid for thirty days after notice to said Board, said defendant or defendants may have and maintain an action of debt therefor against said Board in their private capacity, before any Court of competent jurisdiction in this Commonwealth.

[Approved by the Governor, March 2, 1827.]

CHAP. XCV.

An Act to prevent the taking of Sand, Sea-weed, &c. from the Beach and Flats in Plymouth Harbor.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no person shall take from Plymouth Beach, so called, or the flats and shoals to the eastward of said beach, within the Gurnet, or from the flats to the westward of said beach, within the limits of the town of Plymouth, any sand, sea weed, stone, or any other thing, the removal of which would tend to injure said beach, without first obtaining permission from the Selectmen of the town of Plymouth.

Forfeit, and how
recovered.

SEC. 2. *Be it further enacted,* That if any person shall offend against the provisions of this act, he shall forfeit and pay a sum of not less than ten, nor more than one hundred dollars, for each and every such offence, to be recovered by action of debt in any Court proper to try the same, one moiety to the use of any person who shall sue for and recover the same, and the other moiety to the use of the town of Plymouth.

[Approved by the Governor, March 2, 1827.]

CHAP. XCVI.

An Act in addition to an act, entitled, "An Act to incorporate the President, Directors and Company of the Globe Bank."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors, and Company of the Globe Bank, be, and hereby are authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments and at such times as the President and Directors of said Bank may direct and determine : *Additional stock .*
Provided however, that the whole amount shall be paid in within one year from the passing of this act. *Proviso.*

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the same tax, regulations, restrictions and provisions, with the present capital stock of said Corporation, by virtue of the act to which this is in addition. *Subject to tax, &c.*

[Approved by the Governor, March 2, 1827.]

CHAP. XCVII.

An Act in addition to an act, entitled, "an Act establishing a Fire Department in the City of Boston."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every

Members to produce, &c.

member of the Fire Department of the City of Boston, established by the act to which this is in addition, shall be holden to produce, within thirty days after he shall have become a member of said department, and annually in the month of May thereafter, to the commanding officer of the militia company within whose bounds he may reside, a certificate from the Mayor of said city, stating that he is a member of said Fire Department.

Engineer's powers, &c.

SEC. 2. *Be it further enacted*, That the Chief Engineer and Engineers of said City shall have the same powers and authorities heretofore granted to and invested in the Firewards of the town of Boston by the act, entitled, "an act regulating the storage, safe keeping, and transportation of gunpowder in the town of Boston," or by any other act heretofore enacted on that subject.

[Approved by the Governor, March 2, 1827.]

CHAP. XCVIII.

An Act to authorize towns in the county of Franklin to associate together to build an Almshouse for the support of their poor.

Towns named, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the towns of Greenfield, New Salem, Shutesbury, Leverett, Charlemont, Bernardston, Sunderland, Whately and Gill, in the county of Franklin, or any two or more of them, together with such other towns in said county as may, within one year from the passing of this act, in legal town meeting, vote to unite with them, be, and they are hereby authorized to associate together, for the purpose of purchasing

a farm and erecting an Almhouse for the support and employment of their poor.

SEC. 2. *Be it further enacted*, That the towns which shall associate as aforesaid are hereby authorized to purchase and take by deed, and hold, so much land, and build such Almshouse and other buildings, as may be necessary to carry into effect the object of their association; and the expense of such farm and almshouse and other buildings, and of the support and maintenance of such poor as may be sent to the same, shall be apportioned upon and borne by the towns associated for the purposes aforesaid, according to their respective valuations in the State tax. Towns to purchase, &c.

SEC. 3. *Be it further enacted*, That the towns associated as aforesaid, may, in the month of March or April, annually, choose their several agents to act in their behalf in all things relating to the said Almshouse and farm, and in all contracts respecting the same, which contracts, when made with the concurrence of a majority of the towns associated acting by their agents, shall be binding upon all the associated towns. And if the office of an agent, for any town, shall become vacant, it shall be lawful for such town, at any time in the course of the year, to fill such vacancy: *Provided however*, that no town, in any meeting of such agents, shall be entitled to more than one vote. Agents. Vacancies. Proviso.

SEC. 4. *Be it further enacted*, That the towns so associated, may, by their agents, make and establish such by-laws, rules, and regulations as may be thought needful for the management of said Almshouse and farm, and for the support, employment, and discipline of the poor committed to the same, not inconsistent with the Constitution and laws of this Commonwealth; and the said associated towns respectively, may remove such poor persons as shall become chargeable therein, and having their lawful settlement in said towns, and all State paupers found therein, to the said Almshouse, at the sole expense of the town removing By-laws, &c.

Towns' refusal,
liability, &c.

such poor, and may, by their agents, appoint a Superintendent, or Master of their Almshouse, and such other officers as may be found necessary. And any one of the associated towns refusing to pay its just proportion of any expense incurred in carrying the objects of this association into effect, whenever the same shall have been ascertained and made known to the Selectmen of such town by the Master of said Almshouse, under the direction of the agents of a majority of the said towns, shall be liable to an action for the recovery thereof, in any Court proper to try the same. And the said towns, in their associate capacity, shall be capable of bringing actions in the name of the Master of the Almshouse, and of being sued, and due notice in any suit against the associated towns served upon the Master of said Almshouse, shall be held to be good and sufficient.

First meetings.

SEC. 5. *Be it further enacted*, That Elijah Alvord, Esq. is hereby authorized to call the first meeting of the agents of the towns that may associate under the provisions of this act, by giving notice of the time and place of such meeting, in writing, to the agents of the said towns duly elected, and also by publication in a newspaper printed in Greenfield, in said county, twenty days at least before the day appointed for such meeting.

[Approved by the Governor, March 3, 1827.]

CHAP. XCIX.

An Act authorizing the First Parish in West Newbury to dispose of their Parsonage Lands.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled,*

and by the authority of the same, That the First Parish in West Newbury be, and hereby are authorized to make sale of their parsonage lands, and buildings; *Provided* the net proceeds of such sale be invested in a permanent fund, the interest of which shall be appropriated towards the support of the Gospel, in the Congregational Society, in said parish. Proviso.

SEC. 2. *Be it further enacted,* That the said parish may authorize their clerk, or such other person or persons, as the said parish may appoint, to make sale of the aforesaid parsonage lands, and buildings, and also to make and execute the necessary conveyance or conveyances thereof, for, and in the name, and behalf of the said parish. Clerk to be authorized, &c.

[Approved by the Governor, March 3, 1827.]

CHAP. C.

An Act to regulate the Fishery in Aggawam or Westfield River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, any person or persons, who shall draw a seine or drag a net within thirty rods of the dam or race way, at White's Mills, (so called) on Aggawam River, in the town of West Springfield, for the purpose of catching shad, alewives or other fish, shall for each and every such offence, forfeit and pay the sum of five dollars, and shall also forfeit the boat and seine employed for such purpose. Forfeit for catching, &c.

SEC. 2. *Be it further enacted,* That if any person or persons, shall set any pot, nets, weir, or hurdle,

Forfeit for setting pots, &c.

within thirty rods of said dam, or race way, for the purpose of taking fish of any kind, he or they, shall for each and every such offence, severally forfeit and pay the sum of five dollars for every twelve hours said pots, nets, weir, or hurdle, shall be placed in said river, and in proportion for a greater or less time.

Forfeit for obstructing passage, &c.

SEC. 3. *Be it further enacted*, That if any person or persons, shall in any other way, obstruct the free passage of fish through said race way, between the fifteenth day of April, and the first day of June, he shall forfeit and pay for every such offence the sum of five dollars.

Fines.

SEC. 4. *Be it further enacted*, That all the fines and forfeitures, incurred by a breach of this act, may be recovered in an action of debt by any person, who shall sue for the same before any Justice of the Peace, within the County of Hampden.

Repeal.

SEC. 5. *Be it further enacted*, That all laws heretofore made regulating the Fishery at White's Mills, on Aggawam River be, and the same are hereby repealed.

[Approved by the Governor, March 3, 1827.]

CHAP. CI.

An Act in addition to an Act entitled "an Act to incorporate the Berkshire Medical Institution."

Powers.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the "Trustees of the Berkshire Medical Institution," be, and they hereby are authorized and empowered to establish an Eye Infirmary, and General Hospital, and to appoint all proper officers, and make and ordain

all rules and by-laws proper for the government and regulation thereof, and not repugnant to the laws and Constitution of this Commonwealth.

SEC. 2. *Be it further enacted*, That the Secretary, and Treasurer, of the Berkshire Medical Institution, shall be chosen annually, in the month of April, and shall before entering on the duties of their respective offices be sworn to the faithful discharge thereof, and to keep true records and accounts of the doings, receipts, and expenditures of said Corporation, which shall be exhibited annually to the said Trustees, at the meeting for the choice of said officers, and the Treasurer shall also give bonds to the satisfaction of the Trustees.

Secretary and
Treasurer chosen,
&c.

SEC. 3. *Be it further enacted*, That the Berkshire Medical Institution shall have authority, from time to time to select and appoint a board of visitors to said Eye Infirmary and General Hospital, not exceeding twenty, fifteen of whom, shall be from among the donors for the use of said Eye Infirmary and Hospital, and any person may be so elected a visitor for life, who shall have paid for the use of the Infirmary and Hospital, to the Treasurer thereof, one hundred dollars, and any person may be so elected a visitor for a term not exceeding ten years, who shall have paid for the like use fifty dollars, and any person may be so elected a visitor or for a term not exceeding five years, who shall have paid for the like use, twenty-five dollars, and each of the donors so selected as visitor, shall have a right to keep during the time, for which he is so selected, at said Eye Infirmary and General Hospital, two patients, who shall receive all necessary medical attendance and advice, free from any charge for the same, and if any such superintendent shall be a physician, he shall have a right to attend and witness the practical operations of said Eye Infirmary and General Hospital.

Board of visitors.

SEC. 4. *Be it further enacted*, That if any two or more towns in the County of Berkshire, shall hereafter procure a house for the support and employment

Towns to procure a house,
&c.

of the poor of said towns, which shall be accepted and approved by said Corporation, as suitable and proper for said purposes, it shall be the duty of said Corporation to furnish to the inmates of said house, poor persons supported and maintained therein, medical advice and attendance free from any charge or expense therefor.

Estate.

SEC. 5. *Be it further enacted*, That said Corporation be authorized to hold real estate not exceeding in value twenty thousand dollars, and personal estate not exceeding thirty thousand dollars, for the use and benefit of the Eye Infirmary and General Hospital, in addition to the funds allowed by the act to which this is in addition, with power to manage and dispose of the same. This act shall be always subject to the controul of the Legislature, and may be at any time altered or repealed.

[Approved by the Governor, March 3, 1827.]

CHAP. CII.

An Act to incorporate the Newton and Watertown Universalist Society.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Elijah Adams, Ezra Fuller, Elias Jennison, Stephen W. Trowbridge, Thomas Hastings, their associates and successors be, and they hereby are incorporated into a Religious Society, by the name of the "Newton and Watertown Universalist Society," with all the powers, privileges, and immunities of other Religious Societies, agreeably to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That said Universalist Society is authorized and empowered, as they

shall determine by a major vote at their March or April meeting annually, to raise such sum or sums as may be necessary for the support of public worship, and other incidental expenses, by a tax on their polls and estates, or on the pews in their house of worship, according to the appraised value thereof. May raise money, &c.

SEC. 3. *Be it further enacted*, That any two of the above named persons are hereby authorized to call the first meeting of said society, by posting a notification thereof at their house of public worship, fourteen days previous to said meeting, for the purpose of choosing such officers as they shall deem expedient, and also for the purpose of determining the mode of calling future meetings. First meeting.

[Approved by the Governor, March 3, 1827.]

CHAP. CIII.

An Act to incorporate certain persons for the purpose of building or repairing a Bridge over Parker River, in the town of Newbury, in the County of Essex.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Plummer, Danl. Plummer, Samuel Newman, David Dole, Richard Jaques, Enoch Plummer, Joseph Farley, Samuel Poor, John M. Plummer, William Dole, and Thomas Moody, together with such others as may hereafter associate with them, their successors, and assigns, shall be a Corporation by the name of the Parker River Bridge Corporation, and by that name may sue and be sued, to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do Persons incorporated. May sue, &c.

and suffer, and said Corporation shall have full power and authority to make, have, and use a common seal, and the same to break, alter and renew at pleasure.

Power.

SEC. 2. *Be it further enacted*, That the said Corporation, shall be, and are hereby authorized and empowered to repair, rebuild, or make anew the great bridge, over the River Parker, in the town of Newbury, and County of Essex, at a place formerly called and known by the name of "Old Town Ferry," and said bridge, shall be well built, or repaired, with good and sufficient materials, and not less than twenty-five feet wide and of the same height of the present old bridge, and there shall be not less than six arches in the whole, amounting to two hundred and twenty-five feet; and one of said arches shall be at least twenty-five feet wide, for the convenience and accommodation of the boating on said river, all of which said arches shall be well covered with plank, or timber; and shall always keep up a good and sufficient railing on said bridge for the safety of passengers; and said bridge, shall at all times be kept in good repair, and when said bridge, shall be so built or repaired, the clerk of the said proprietors shall make a return into the office of the Secretary of this Commonwealth, of the actual expense of building, or repairing the same; and at the expiration of fifteen years from the opening of said bridge for travel, the said clerk shall make a return to said Secretary's office, stating the amount of the receipts, expenditures, dividends, and disbursements, during said term.

Clerk to make returns, &c.

Toll.

SEC. 3. *Be it further enacted*, That for the purpose of reimbursing said proprietors, the money they may expend in building, or repairing, and supporting said bridge, they be, and are hereby, authorized, and empowered, to take and receive, for passing over said bridge, the following tolls, viz. for each coach, phaeton, or other four wheeled carriage, drawn by two, or more horses, twenty cents; for every wagon, drawn by not more than

two horses, ten cents, if by more than two horses, twelve and a half cents ; for every cart or wagon, drawn by two or four oxen, ten cents, if by more than four, twelve and a half cents ; for every chaise, chair, or sulky, drawn by one horse, ten cents ; for every cart, wagon, or truck, drawn by one horse, six cents ; for every horse and rider, three cents ; for every sleigh, or sled, drawn by one horse, six cents ; for every sleigh, or sled, drawn by two or more horses, or oxen, eight cents ; for all horses, or mules, or neat cattle, led or driven, one cent each ; for all sheep or swine, for every dozen, three cents : *Provided, however,* that the said proprietors may, if they see cause, commute the rates of toll, with any person or persons, or with any company, or corporation, by taking of him, or them, a certain sum to be paid quarterly, or annually, to be mutually agreed on, in lieu of the tolls aforesaid : *Provided, also,* that all persons going to, or returning from public worship, or military duty, be permitted to pass said bridge free of toll ; and said toll to commence at the day of the first opening of said bridge, and to continue for the term of fifty years ; after that time, said bridge shall revert to the Commonwealth : *Provided, nevertheless,* that the Legislature, shall have a right, at the end of fifteen years, from the opening of said bridge for travel, to regulate anew the tolls to be received for passing the same.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in and for the County of Essex, on application of any three of the proprietors, be, and hereby is authorized to call the first meeting, and the proprietors, at their first meeting, shall elect a clerk to record the transactions of the Corporation, who shall be sworn to the faithful performance of the duties of his office, and shall at all times keep a fair record of their doings ; and shall also choose five directors, one of whom shall be president of the Corporation, and as such be elected by the board of directors, and also a treasurer, and all

By-laws, &c.

Proviso.

Rates of toll to
be written.

Proviso.

Votes, &c.

Proviso.

How void.

other officers, that may be necessary; the first meeting shall be called by publishing an advertisement thereof, in some public paper printed in Newburyport, at least twelve days before the time appointed for holding said meeting, at which, or at any future meeting, said proprietors may agree upon the mode of calling future meetings, and may make such rules, regulations, and by-laws, as they may think meet, and may annex penalties thereto, not exceeding five dollars for any offence: *Provided*, such rules, regulations and by-laws, shall not be repugnant to the Constitution, or laws of this Commonwealth.

SEC. 5. *Be it further enacted*, That the rates of toll on said bridge shall be written on a sign board in large letters, and a sign board shall be constantly exposed to view, over or adjoining the toll house that may be erected; and at all times, when the toll gatherer shall not be attending his duty, the gate shall be left open for the passage of said bridge free of toll: *And provided also*, that whenever the receipts of toll and income shall have amounted to a sum equal to the expense of building, or repairing, and sustaining said bridge, with nine per cent on the cost, said bridge shall revert to the Commonwealth for public use.

SEC. 6. *Be it further enacted*, That every proprietor in the said bridge, or his agent duly authorized in writing, shall have a right to vote at all meetings of said Corporation, and be entitled to as many votes as he has shares in the same: *Provided, however*, that no proprietor shall be entitled to more than ten votes.

SEC. 7. *Be it further enacted*, That if said Corporation shall neglect to repair, rebuild, or make anew said bridge for the space of two years, then this act shall be null and void.

[Approved by the Governor, March 3, 1827.]

CHAP. CIV.

An Act in addition to the several Acts regulating the Pilotage for the Harbour of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Governor, with the advice of Council, may increase the number of branch pilots for the port of Boston, by granting additional branches on the recommendation of the trustees of the "Boston Marine Society;" and the trustees of said "Boston Marine Society" are hereby authorized to make from time to time regulations for the government of the pilots of said port, and the same to repeal or alter, any thing in the acts to which this is an addition to the contrary notwithstanding. *Provided, however,* that such regulations shall not take effect, until the same shall be approved by the Governor and Council, after a due hearing of the parties by petition or remonstrance.

[Approved by the Governor, March 3, 1827.]

CHAP. CV.

An Act in addition to "an act to unite the Towns of Dighton and Wellington in the County of Bristol."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Towns of Dighton and Wellington shall be and remain

distinct Corporations, for two months next succeeding the twenty-second day of February, one thousand eight hundred and twenty seven, for the purpose of adjusting their corporate concerns, and for no other purpose.

[Approved by the Governor, March 3, 1827.]

CHAP. CVI.

An act to divide the South Parish in Andover into two Parishes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That that part of the said South Parish, herein described, be, and hereby is formed into a separate and distinct Parish, and shall be called and known by the name of the West Parish in Andover, and shall be bounded as follows—viz : beginning at a stake and stones at the line which divides Tewksbury and Andover, near Aaron Frost's, thence Northerly to a hop kiln near Lieutenant Peter Frenchs' thence Easterly to a white oak tree marked, standing on Land of David Barker, near the road leading from Holts' Bridge to Solomon Holts, thence North Easterly to the corner of the road leading from the Paper Mill to Elijah L. Herricks, thence by said road to the Bridge over Shaushin River, near the paper mill, thence down Shaushin River to the line which divides the North and South Parishes of Andover, thence North Westerly by the North Parish line to Merrimack River, thence up Merrimack River to Tewksbury line, thence Southerly by Tewksbury line to the first mentioned bound.

Boundary, &c.

SEC. 2. *Be it further enacted*, That all the in-

habitants, within the limits and boundaries aforesaid, shall be considered as belonging to said West Parish, and the said Parish is hereby invested with all the powers, rights, privileges and immunities, with which other parishes in this Commonwealth are invested.

SEC. 3. *Be it further enacted*, That nothing contained in the provisions of this act, shall be construed in any respect to impair or take away the right which the said inhabitants, or any of them, now have either at law, or in equity, to their proportional part of the ministerial fund of the south Parish in Andover aforesaid, or of the interest and income thereof. Ministerial Fund.

SEC. 4. *Be it further enacted*, That Samuel Merrill, Esquire, or any other Justice of the Peace for the County of Essex, be, and hereby is empowered, to issue his warrant to some principal inhabitant of said West Parish, requiring him to notify and warn the inhabitants thereof to meet at such time and place, as by said warrant shall be duly specified, and then and there choose such officers as may be necessary to manage the affairs of said Parish; and the inhabitants qualified by law to vote, being so assembled, shall be and hereby are empowered to choose such officers accordingly. Choice of officers,
&c.

[Approved by the Governor, March 3, 1827.]

CHAP. CVII.

An Act relating to Prosecutions for Libel and to Pleadings in Actions for Libel and Slander.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That in every pros-

Proviso.

ecution for writing and publishing any libel, it shall be lawful for any defendant upon trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as libellous : *Provided, always,* that such evidence shall not be a justification, unless on the trial it shall be further made satisfactorily to appear, that the matter charged as libellous was published with good motives and for justifiable ends.

Plea, not taken,
&c.

SEC. 2. *Be it further enacted,* That in all actions of the case, for writing and publishing any libel, and in all actions for slander wherein the defendant or defendants may plead the general issue, and also in justification that the words written and published or spoken were true, such plea in justification shall not be held or taken as evidence that the defendant or defendants wrote and published or spoke such words or made such charge. Nor shall such plea of justification, if the defendant or defendants fail to establish it, be of itself proof of the malice of such words or charge, but the jury shall decide upon the whole case, whether such special plea was or was not made with malicious intent, any law or usage to the contrary notwithstanding.

[Approved by the Governor, March 3, 1827.]

CHAP. CVIII.

An Act to incorporate the Tufts Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That Aaron Tufts, John Jewett, Asa Robinson, Jun. John M. Pratt,

and Harvey Conant, together with such others as may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation by the name of the Tufts Manufacturing Company, for the purpose of manufacturing woollen and cotton yarn and cloth, and making machinery for said purposes in the town of Dudley, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act passed the third day of March, in the year of our Lord eighteen hundred and nine, entitled, "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said Tufts Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may be necessary and convenient for carrying on said manufactures: *Provided*, the value of such real estate shall not exceed one hundred thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars.

[Approved by the Governor, March 3, 1827.]

CHAP. CIX.

An Act, in addition to the act giving further Remedies in Equity.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That when any complaints, bill, or suit in equity shall be pending in the Supreme Judicial Court, in any county, it shall be lawful for any Justice of said Court, as well

Justices to hear, &c. in vacation as in term time, to receive, hear, and determine all motions relating to the proceedings thereon, preparatory to a final hearing thereof, and to make and pass all interlocutory orders and decrees, which may be proper and necessary to the full hearing and final determination of said suits; and every order and decree, which shall be so made and passed, shall be transmitted as soon as Clerk to file, &c. may be to the Clerk of the Court for the county in which the suit may be pending, who shall file the same among the papers and documents belonging to the suit, to be recorded with the other proceedings, when the said suit shall be so determined, if the Court shall so direct.

SEC. 2. *Be it further enacted*, That before any motion for any interlocutory order or decree shall be heard and determined as aforesaid, the Justice of the said Court, to whom the motion shall be made, shall cause reasonable notice thereof to be given to the adverse party or his council of record; and when the party applying for such decree or order, or the party objecting thereto, or their counsel, shall live more than twenty miles from the place where the Justice applied to shall reside, they may respectively transmit to him, within such time as he shall appoint, their reasons for and against such decree or order, and the said Justice shall receive and act upon the same in like manner as if the parties or their said counsel were personally present before him, and all such decrees and orders shall be subject to revision and reversal by the Court, at the next law term thereof, for the county in which the suit shall be pending: *Provided however*, that all decrees and orders, so made, shall remain of full force and effect, and all proceedings under the same shall be valid until the same shall be reversed in manner aforesaid.

SEC. 3. *Be it further enacted*, That on the final determination of any suits in equity, the Supreme Judicial Court shall direct what part of the proceedings shall be recorded at large, and shall allow Court to direct and Clerk to record, &c.

such compensation therefor to the Clerk, who shall record the same, as shall be deemed reasonable, having regard to the fees established by law for services of a similar nature.

SEC. 4. *Be it further enacted*, That there shall be appointed by his Excellency the Governor, in the manner provided in the Constitution, not exceeding two suitable persons residing within the county or counties for which a law term of the Supreme Judicial Court is now or may hereafter be holden, to be Masters in Chancery, to hold their office during the term of four years, unless sooner removed by the Executive for the time being, each of whom shall, under the direction of the Court aforesaid, or any Justice thereof, do and perform all the duties, which, according to the rules and practice of Chancery, are usually performed by a Master in Chancery; and they shall severally be sworn to the faithful discharge of their duties, and shall be allowed such compensation for each case in which their services shall be required and performed as said Court shall order and adjudge to be reasonable, and the sum so allowed shall be taxed in the bill of costs against the party who shall be held and adjudged to pay the costs of the suit, unless the Court in their discretion shall otherwise order: *Provided*, That whenever it shall so happen that the master or masters so appointed shall be of Counsel or interested in the suit, or related to either of the parties, the Court or Justice thereof, who may order a reference of any matter to a master, shall appoint some suitable person to act in that capacity for said suit.

Masters in Chancery.

Proviso.

SEC. 5. *Be it further enacted*, That in all suits in equity the subject of costs shall be wholly in the discretion of the Court: *Provided*, that no greater fee or fees shall be taxed in any bill of costs than is prescribed for similar services in the general fee bill established by law.

Proviso.

[Approved by the Governor, March 5, 1827.]

CHAP. CX.

An Act to increase the number, and provide for the appointment of Enginemen.

Number.

Proviso.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the month of March next, the Public Fire Engines in the several towns within this Commonwealth, containing more than three thousand inhabitants, shall be manned by the numbers, and in the manner hereinafter directed. To each and every common fire engine, there shall be appointed a number not exceeding thirty men, and to each and every hydraulion or suction fire engine, there shall be appointed a number not exceeding forty two men. And whenever said suction engines shall be suffered to go out of repair, and remain so, and be used as common engines only, then the said number of forty-two men shall be reduced to the number of thirty herein prescribed for the common engines : *Provided, nevertheless,* that the excess over and above the number of enginemen now established by law, and which are hereby provided for by this act, shall not be taken from any military company in this Commonwealth, without the consent of the commanding officer thereof for the time being, when said companies shall consist of a less number than sixty-four effective privates ; and the mode of appointment, duties, liabilities, privileges and exemptions of said additional enginemen, shall be the same as those of enginemen under existing laws.

Repeal.

SEC. 2. *Be it further enacted,* That all general acts and parts of acts relating to this subject, and incompatible with the provisions of this act be, and the same are hereby repealed,

[Approved by the Governor, March 5, 1827.]

CHAP. CXI.

An Act in addition to the act entitled “an act concerning the House of Industry in the city of Boston.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Directors of the House of Industry in the City of Boston, shall have and exercise all the powers and perform all the duties relative to paupers, and the binding out of children and other persons committed to said House of Industry for support, as the overseers of the poor of the several towns in this Commonwealth now have and exercise, in relation to paupers and the binding out of children, and other persons, under and by virtue of the several laws of this Commonwealth; and all acts of said Directors shall impose the same duties, liabilities and obligations, on all judicial tribunals, on the City of Boston aforesaid, and on the several towns and individuals of this Commonwealth, as the same acts would impose, if done and performed in the same manner by the overseers of the poor of the several towns in this Commonwealth. Powers granted.

[Approved by the Governor, March 5, 1827.]

CHAP. CXII.

An Act to incorporate the Trustees of the Methodist Episcopal Church in Newbury and Newburyport.

Persons incorporated.

Common seal.

Election of officers, &c.

Number of Trustees.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Adams, and Benjamin Brown of Newburyport ; Cutting Pettingale, Josiah P. Noyes and John Thurlo, of Newbury ; and Elias French and Caleb Pike, of Salisbury, all in the County of Essex, be, and they hereby are constituted a body corporate and politic by the name of the Trustees of the Methodist Episcopal Church in Newbury and Newburyport, for the promotion of piety, religion and morality ; and they and their successors shall be and continue a body politic and corporate by that name forever ; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued in all actions real, personal, and mixed, and may prosecute and defend the same to final judgment and execution, by the name aforesaid.

SEC. 2. *Be it further enacted,* That the aforesaid Trustees and their successors shall and may annually elect a President, and a Secretary to record the doings and transactions of the Trustees, and a Treasurer to receive and apply the monies or property hereinafter mentioned, as hereinafter directed, and any other officer that may be necessary for the managing of their business ; and they may make rules, regulations and by-laws, not repugnant to the Constitution or laws of this Commonwealth.

SEC. 3. *Be it further enacted.* That the number of trustees shall not at any time be more than nine nor less than five, a majority of whom shall

constitute a quorum for transacting business ; and they may and shall, from time to time, fill up vacancies in their number which may happen by death, resignation, or otherwise, as hereinafter provided ; Vacancies. and such trustees shall annually hold a meeting in March or April, and at such other times as may be necessary, which meetings, after the first, shall be called in such way and manner as the trustees aforesaid shall hereafter direct.

SEC. 4. *Be it further enacted,* That the aforesaid trustees, and their successors, are hereby made capable in law to possess and hold all the property both real and personal, belonging to the Methodist Episcopal Church in Newbury and Newburyport, in trust forever, for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, according to the doctrines and discipline of said Church, and in further trust and confidence that whenever one or more of said trustees shall die, or, from any cause, cease to be a member or members of said corporation, then and in that case the vacancy shall be supplied according to the direction given in the discipline of said Church. Possess certain property.

SEC. 5. *Be it further enacted,* That any gift, grant, bequest or devise, made, or that hereafter may be made, to the said trustees or their successors, shall be valid and effectual to all intents and purposes whatever ; and they are hereby empowered to hold Estate, &c. real and personal estate, the annual income of which shall not exceed two thousand dollars : *Provided,* Proviso. that the entire income be strictly appropriated to promote the objects of this corporation, and also that the gifts, grants, or donations be faithfully applied according to the real intent of the donor.

SEC. 6. *Be it further enacted,* That all deeds and Deeds, &c. instruments which the said trustees may lawfully make in their said capacity, shall, when made in their name. and signed and sealed with their corporate seal, and delivered by them, be binding on said trustees, and their successors, and valid in law.

Powers, &c.

SEC. 7. *Be it further enacted*, That said corporation be, and they hereby are vested with all the powers, rights and privileges granted to other religious corporations in Newburyport, by the act passed in the year one thousand seven hundred and ninety four, entitled, "an Act for incorporating the several religious societies in Newburyport, in the County of Essex," and to the several powers and privileges conferred on other religious societies in this Commonwealth by the acts in relation thereto.

First meeting.

SEC. 8. *Be it further enacted*, That Elias French, before named, be, and he is hereby authorized to appoint the time and place for holding the first meeting of said trustees and to notify them thereof.

SEC. 9. *Be it further enacted*, That the Legislature may alter amend or repeal this act at pleasure.

[Approved by the Governor, March 5, 1827.]

CHAP. CXIII.

An Act in addition to an act to incorporate the Boston and Springfield Manufacturing Company.

Name altered.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Boston and Springfield Manufacturing Company shall from and after the first day of July next, be known and called by the name of the Chickapee Manufacturing Company; and by that name be subject to all the liabilities and duties, and be vested with all the rights, privileges and property of the said Boston and Springfield Manufacturing Company.

Further power granted.

SEC. 2. *Be it further enacted*, That the said Company, shall, in addition to powers heretofore granted, have power to manufacture Woollen Goods, to make and sell Machinery, and carry on a Bleachery in all its branches.

[Approved by the Governor, March 5, 1827.]

CHAP. CXIV.

An Act, in addition to former Acts regulating Pilotage in the port of Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Governor, with the advice of the Council, may increase the number of branch pilots for the port of Salem, by granting additional branches on the joint recommendation of the Master of the Marine Society, in Salem, New-England, and of the President of the Salem East India Marine Society, and the said officers are hereby authorized to make, from time to time, regulations for the government of the pilots of said port, and the same to repeal or alter, any thing in the former acts, to the contrary notwithstanding: *Provided, however,* that such regulations ^{Proviso.} shall not take effect, until the same shall be approved by the Governor and Council.

[Approved by the Governor, March 5, 1827.]

CHAP. CXV.

An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Union Society, in Amherst.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Oliver Dickinson, Daniel Russell, Junr. Chester Dickinson, Jonathan Smith, Daniel Dickinson, Jonathan Cowles, Henry Weeks, and their succes-

am.
1945,257
Persons Incorporated.

May sue, &c.

sors, he, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund of the Congregational Union Society, in Amherst, and by that name may sue and be sued, plead and be impleaded, and have a common seal, and shall possess and enjoy all such other powers and privileges, as are incident to Corporations of a like nature.

subscriptions, &c

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to take into their hands and possession, all such subscriptions, donations, grants, bequests, and devises, as may have been heretofore made, or may hereafter be made, for the purpose of constituting a Ministerial Fund, for the use and benefit of said Society, the annual income of which shall not exceed the sum of twelve hundred dollars, and the same to manage and put on interest, and to apply the income and interest thereof annually, for the support of the minister of said society, forever: *Provided*, that such appropriation shall be conformable to the express condition annexed to such subscriptions, donations, grants, bequests, and devises, as already have been or may hereafter be made to said society, for the purpose aforesaid.

Proviso.

Number of Trustees, &c.

SEC. 3. *Be it further enacted*, That the number of Trustees shall never be more than seven, that whenever any vacancy shall occur the same shall be filled by said society, at any regular meeting for that purpose called. That the said trustees shall keep a fair record of all their proceedings, which shall be open at all times to the inspection of the donors and their heirs, and any committee, which may be appointed by said society, to inspect the same.

Clerk and Treasurer.

SEC. 4. *Be it further enacted*, That said trustees shall annually appoint a clerk, and treasurer, that the clerk shall be a member of said society, and shall be sworn to the faithful performance of the duties of said office, shall have the care and custody of all papers and documents belonging to

said trustees, excepting those the care and custody of which are hereinafter given to the treasurer, and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereunto required, and shall call meetings as directed by vote of said trustees, and do whatever else may be incident to his office; and said clerk shall deliver up to his successor in office, as soon as may be, all the papers, records, and documents in his hands, in good order and condition, and if he shall neglect so to do for thirty days next after such successor shall be duly appointed, he shall forfeit and pay to the use of said society, the sum of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards; and the treasurer shall be a member of said society, shall give bond to said trustees and their successors, with sufficient sureties, in such penal sum as they shall require, with condition to do and perform all the duties incumbent on him as treasurer, and he shall be the receiver of all monies and effects due, owing, and coming to them, and may demand, sue for, and recover the same in their name, unless prohibited by them; and he shall have the care and custody of the monies and effects, obligations, and securities for the payment of money, or other things, and evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, and the same shall be kept on the files of the clerk of said trustees, and he shall deliver up to his successor in office, as soon as may be all the books, and papers, property and evidences of property in his hands, in good order and condition, and if he shall fail to deliver the same as aforesaid, for the space of ten days, next after such successor in his said office shall be duly chosen, he shall forfeit and pay to the use of

said society, the sum of fifty dollars, and a further sum of thirty dollars per month, for such failure or neglect thereafter.

Statement of
funds, &c.

Trustees to re-
port, &c.

SEC. 5. *Be it further enacted*, That said trustees shall cause to be recorded and kept in their book of records by their clerk, a correct statement of the funds and estate, in their hands, wherein shall be particularly designated the nature and amount of each original grant, donation, devise, or bequest; the period when made; the design thereof; the name of the grantor, donor, deviser, or testator; and they shall make a report annually, to said society, at their annual meeting to be holden in the month of March or April, of the state and condition of the funds, with a specific estimate of what estate they actually hold, and by what tenure; what money and effects are due to them, and how they are secured, and what receipts, and what disbursements have been by them received, and made by them during the year preceding the time of making such report.

By-laws, &c.

SEC. 6. *Be it further enacted*, That said trustees may make rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; may receive real estate by way of gift, devise, or purchase, and alienate the same by good and sufficient deed or deeds.

Mismanagement
of the fund, &c.

SEC. 7. *Be it further enacted*, That in no case, shall the principal of said fund be expended, unless the original terms and conditions of any particular grant, donation, conveyance, devise, or bequest, shall require or allow it, and in case said fund shall be mismanaged, or the income appropriated contrary to this act, or to the original directions of the grantors, donors, devisors or testators, said society, or any of the grantors, donors, devisors or testators, or his or their heirs, or any of them, may have and file a bill in equity, against the said trustees, or any one or more of them, specifying as distinctly as may be such mismanagement, misappropriation

or neglect, before the Supreme Judicial Court, holden for the County of Hampshire, and the said Court is hereby authorized to hear and determine the same, and to exercise jurisdiction thereon according to the rules of proceeding in Chancery, and to decree as equity and good conscience shall require; each of said trustees to be responsible for his own acts and not for one another, and any sum of money awarded or decreed to be paid by any of said trustees, shall be for the benefit of said fund and be paid over accordingly; and a final decree against any one of said trustees for mismanagement in said office, shall *ipso facto* be a disqualification for his acting as trustee and vacate his office.

SEC. 8. *Be it further enacted*, That whenever any of said trustees shall cease to be a member of said society, his office shall thereby become vacant, ^{Vacancies.} and said vacancy shall be filled as herein before provided, and whenever in the judgment of the majority of said board of trustees, any trustee, by reason of age or infirmity, shall become disqualified to perform the duties of his appointment, his office shall be declared vacant, and the vacancy shall be filled as herein before provided; and said trustees, their agents, officers, and attornies, shall never receive any compensation for their services from the proceeds of said sum.

SEC. 9. *Be it further enacted*, That any Justice of the Peace for the County of Hampshire, upon the application of any two or more of said trustees, is hereby authorized and empowered, to issue his warrant directed to one of the trustees named in this act, requiring him to notify the first meeting of ^{First meeting.} the said Corporation to organize the same by the establishment of by-laws, and the appointment of its officers: *Provided, also*, that this act shall be ^{Proviso.} subject to revision, alteration, or repeal, at the pleasure of the Legislature at any time hereafter.

[Approved by the Governor, March 6, 1827.]

CHAP. CXVI.

An Act in addition to an Act to prevent forcibly passing and avoiding Toll Gates.

SEC. 1. *BE it enacted by the Senate and House of representatives in General Court assembled, and by the authority of the same,* That any person or persons who may have purchased, or hereafter shall purchase the franchise of any turnpike or other corporation, under the provisions of "an act to enforce the satisfaction and payment of executions and warrants of distress against certain corporations," and the assignee or assignees of such person or persons, may recover in an action on the case, in any court of competent jurisdiction, the penalties which are prescribed in the act to which this in addition for the misconduct therein mentioned, and which shall be committed during the time limited in the original purchase of such franchise as aforesaid, and that during such time, the Corporation whose franchise is sold as aforesaid, shall not be entitled to sue for and recover said penalties.

Recovery of penalties, &c.

SEC. 2. *Be it further enacted,* That so much of the act to which this is in addition, as is inconsistent with the provisions of this act be, and the same is hereby repealed.

[Approved by the Governor, March 8, 1827.]

CHAP. CXVII.

An Act in addition to an Act entitled "an Act for regulating Towns, settling their power, and for the choice of Town Officers."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever the lines of any towns shall hereafter be run or perambulated agreeably to the provisions of the Act to which this is in addition, it shall be the duty of the Selectmen of the towns interested, at their joint and equal expense, to cause to be erected permanent monuments to designate their respective boundary lines, at each and every angle thereof, where said lines are not bounded on the ocean, or some permanent stream of water, which monuments shall be of stone, well set in the ground, and at least four feet high from the surface thereof; and the first letter of the names of the towns for which such monuments shall be erected, shall be cut on suitable places thereon: *Provided*, That no new monument need be placed where any permanent stone monuments already exist of two feet in height.

Selectmen's Duty

Proviso.

SEC. 2. *Be it further enacted*, That the Selectmen of the several towns in this Commonwealth, bordering on the states of New Hampshire, Vermont, New York, Connecticut and Rhode Island, in all cases where the lines between said States and this Commonwealth are settled and established, shall, within two years from the passing of this act, or at any time hereafter when either of said state lines which may be now in dispute shall be settled and established, and once in every five years thereafter, give notice to the Selectmen, Town Council, or proper Municipal Officers of such towns in either of said States as

Certain Selectmen to give notice, &c.

Proviso.

adjoin their respective towns, of their desire to perambulate the lines between them, and if said proposition shall be accepted, shall proceed to perambulate said lines in the same manner as lines between towns in this Commonwealth are perambulated: *Provided, however,* That no boundary erected by the authority of the two State Governments shall be removed from the place where it was originally fixed by such perambulation.

Penalty.

SEC. 3. *Be it further enacted,* That the Selectmen who shall neglect or refuse to cause the monuments to be erected as aforesaid, or to notify the Selectmen, Town Council, or proper Municipal Officers of towns in the aforesaid States adjoining them, or to perambulate, if said Selectmen consent, shall be subject to the same penalty, to be recovered and appropriated in the same manner as is provided for refusing to perambulate lines between towns in this Commonwealth, by the act to which this is in addition.

Selectmen to give notice to assessors.

Assessors' duty, &c.

SEC. 4. *Be it further enacted,* That the Selectmen of any town in this Commonwealth, bordering on any unincorporated lands or plantations, shall, within two years from the passing of this act, and once in every five years thereafter, give notice to the assessors of such unincorporated lands or plantations, of their intention to perambulate the lines between them, and upon such notice, the said assessors shall be held liable to perform all the duties, and be subject to the penalties, to be recovered and appropriated in the same manner as are provided for the Selectmen of towns in this Commonwealth, by the act to which this is in addition.

[Approved by the Governor, March 8, 1827.]

CHAP. CXVIII.

An Act, in further addition to an act, entitled, "an Act to incorporate Stephen Higginson and others into a company by the name of the Boston Marine Insurance Company."

BE *it enacted by the Senate and House of Representatives in General Court assembled. and by the authority of the same,* That the said Boston Marine Insurance Company be, and they hereby are authorized to lay out and invest in a building and out houses, to be erected by said corporation, upon their land in said Boston, for their convenience and accommodation in carrying on their business, a sum not exceeding thirty thousand dollars of their stock, in addition to the amount they have already invested in the purchase of said land.

[Approved by the Governor, March 8, 1827.]

CHAP. CXIX.

An Act to incorporate the Wolf Hill Lead Mine and Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Lewis S. Coryell and Jonathan Parry, and their associates and successors, be, and they hereby are made a corporation by the name of the Wolf Hill Lead Mine and Manufacturing Company, for the purpose of mining and manufacturing ores from mines in the town of Southhampton, in the county of Hamp-

Persons incorpo-
rated.

shire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in "an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "an act defining the general powers and duties of manufacturing corporations, and the several acts in addition thereto."

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and they may be lawfully seized and possessed of such real estate in said Southhampton as may be necessary and convenient for the purposes aforesaid, not exceeding the value of fifty thousand dollars.

[Approved by the Governor, March 8, 1827.]

CHAP CXX.

An Act in addition to an act to prevent the destruction of Oysters and other shell fish in this Commonwealth.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all the provisions, restrictions, and penalties of, and proceedings directed in, the act to which this is in addition, be, and the same are hereby extended to the town of Dighton, in the county of Bristol.

[Approved by the Governor, March 8, 1827.]

CHAP. CXXI.

An Act to regulate the weighing of Merchandize
and other Commodities.

SEC. 1 **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of April next, all commodities which now are, and have heretofore usually been sold by the hundred and twelve pounds, or hundred weight avoirdupois, shall, when exposed for sale and actually sold, be weighed by decimal hundreds and pounds of avoirdupois weight; and all contracts thereafter made concerning the weight of goods or commodities, heretofore weighed by the hundred weight or one hundred and twelve pounds avoirdupois, shall be understood and construed to intend the same in decimal hundreds and pounds avoirdupois. Weight altered.

SEC. 2. *Be it further enacted,* That it shall be the duty of every public weigher of goods or commodities to weigh the same by decimal hundreds and pounds, avoirdupois weight, where the same have heretofore been weighed by the hundred weight, or one hundred and twelve pounds avoirdupois, and to issue his certificate accordingly. And every such public weigher who shall offend against the provisions of this act, shall, for every such offence, forfeit and pay a fine of five dollars, together with the costs of prosecution, to be recovered before any Justice of the Peace, upon complaint in behalf of the Commonwealth. And every weigher of goods or commodities appointed by any city or town under the laws of this Commonwealth, as well as every weigher of goods or commodities for hire or reward, shall be deemed and taken to be a public weigher, so far as relates to the provisions of this act. Weigher's duty,
&c.

[Approved by the Governor, March 8, 1827.]

CHAP. CXXII.

An Act to regulate the Manufacture of Wrought Nails within this Commonwealth, and to repeal all laws heretofore made for that purpose.

Nails, how packed, &c.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all Wrought Nails manufactured within this Commonwealth, shall be packed in good strong casks, made of seasoned timber, and well hooped, with the initials of the christian name and the surname at large of the manufacturer, and the name of the town in which he resides, or, if manufactured by a corporation or company, the name of said corporation, or style of said company, and the name of the town in which the same is located, with the just weight of the tare of said cask, inscribed in plain, legible letters, with a brand or marking iron, on the side of each cask; and no cask shall contain more than three hundred pounds in the same.

Forfeit, &c.

SEC. 2. *Be it further enacted*, That if any cask, package, or quantity of Nails manufactured in this Commonwealth, not branded or marked as aforesaid, shall be offered for sale, or be put on board any vessel or carriage of transport, to be conveyed out of this Commonwealth, the same shall be forfeited and liable to seizure, and the manufacturer of the same, shall, for each and every pound of tare more than is marked on the cask, and for each and every pound of refuse, scraps, or waste which shall be mixed with said Nails, forfeit and pay one dollar.

Brand counterfeited, &c.

SEC. 3. *Be it further enacted*, That if any person shall counterfeit any brand used, or intended to be used for the purpose aforesaid, or shall destroy or alter any mark or impression made by another person's brand on any cask of Wrought Nails,

and cause a different impression by such counterfeit brand to be marked or impressed thereon, or shall shift any Nails from one branded cask to another, and thereby avail himself of another person's brand, every person so offending, shall forfeit the sum of twenty dollars.

SEC. 4. *Be it further enacted*, That if any master, mate, owner, or other person, shall receive on board any vessel or carriage of conveyance any cask, or other quantity of Wrought Nails, manufactured in this Commonwealth, which are apparently intended to be transported out of the same, and are not branded and marked, as provided and directed by 'his act, he or they shall forfeit and pay a sum equal to the full amount of such Nails.

Master of vessel's
forfeit,

SEC. 5. *Be it further enacted*, That all penalties and forfeitures arising by force and virtue of this act, shall be recovered and applied in the same way and manner as is provided for the recovery and application of penalties and forfeitures, under the act regulating the manufacturing of Cut Nails.

Forfeitures how
recovered.

SEC. 6. *Be it further enacted*, That all former laws respecting the inspection of Wrought Nails, so far as they relate to the same, be, and hereby are repealed.

Repeal.

[Approved by the Governor, March 8, 1827.]

CHAP. CXXIII.

An Act to incorporate the Trustees of the Ministerial Fund, in the Fifth Parish in Gloucester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled,*

Persons incorpo-
rated.

and by the authority of the same, That John Burns, Solomon Choate, Isaac Dennison, Nehemiah Knowlton, Jabez R. Gott, George Dennison, John Gott, William P. Burns, John Wallis, Jabez Rowe, Jr. Thomas O. Marshall, Reuben Brooks, Jr. Levi Sanborn, Jr. Solomon Choate, Jr. and Josiah Haskell, Jr. inhabitants of the Fifth Parish in Gloucester, be, and they hereby are, constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund in the Fifth Parish in Gloucester, and they and their successors, shall be, and continue a body politic and corporate, and have perpetual succession, for the due and faithful management of said trust; and they are hereby vested with all powers incident to Corporations, and subject to the duties and obligations hereinafter mentioned.

Meetings.

Election of officers, &c.

SEC. 2. *Be it further enacted,* That the said trustees shall, in the month of January annually, and at such other times as may be found necessary for the transaction of their business, hold meetings in the said parish; all such meetings to be called and notified, pursuant to such regulations and by-laws, as may be agreed upon and established by said trustees. And the said trustees may and shall at such meetings in January annually, elect a president, a clerk to record the transactions of the trustees, a treasurer, who shall give such security for the faithful performance of the duties of his office, as may be required by the by-laws of said Corporation, and such other officers as they may deem expedient.

Quorum.

Vacancies.

SEC. 3. *Be it further enacted,* That eight trustees may constitute a quorum for the transaction of business. And the said trustees shall and may, at a meeting regularly called for that purpose, fill up any vacancies which may happen in their number by death, resignation, or removal from the parish, each person so chosen to be an inhabitant within and a member of the said parish, to be chosen by ballot, and to receive the votes of eight at least of said trustees.

SEC. 4. *Be it further enacted*, That the trustees aforesaid, and their successors in office be, and they hereby are invested with power to demand, recover Trustees power. and receive the subscription or mutual covenant and agreement of the Rev. David Jewett, John Burns, John Gott, David Brooks, and others, bearing date the twenty-ninth day of March A. D. 1826, and also all the estate, monies, obligations and securities, belonging to, or which may be derived from the said subscription, covenant and agreement, the sums therein subscribed, now amounting to six thousand, three hundred and ninety-seven dollars, subscribed and given towards establishing a permanent fund for the support of the Gospel Ministry in said Fifth Parish in Gloucester, to hold the same, as such, for the purposes hereinafter mentioned. And the said trustees may and shall receive and hold all other gifts, grants, bequests and devises, which may hereafter be made for the support and maintenance of the ministry in said parish, and the same to use, and improve and appropriate, in such manner as may be prescribed in such future gifts, grants, bequests and devises : *Provided however*, that the said trustees shall not at any time hold property and estate, the annual income of which shall exceed one thousand dollars. Proviso

SEC. 5. *Be it further enacted*, That the sums already granted and secured by the mutual covenant and agreement aforesaid, shall be held and improved by the said trustees; and the income and interest arising thereon shall be received and paid annually by the trustees to the treasurer of the said parish, and shall be by him paid over to the Rev. David Jewett, as part of his salary, conformably to the conditions of his settlement in said parish, so long as he shall continue with them in the ministry; and after he shall cease to be their minister, the interest arising on said sums shall be annually paid towards the support of a learned, pious, trinitarian, congregational minister, settled by the said parish, and during all vacancies of such a Income, &c. how applied.

Proviso.

minister settled in said parish, the said trustees shall apply such part of the interest and income aforesaid, as may be necessary for the supply of the pulpit, in said parish; and the surplus if any, they shall add to the principal of said funds: *Provided, however,* that if any part of the principal or interest of the aforesaid subscriptions, shall be applied to any other than the purposes for which they have been respectively given, then the said sums subscribed and given in and by the said covenant, shall revert to the subscribers and donors respectively, in proportion to their several subscriptions, and be recoverable from the said trustees, or any other person or persons holding the same, by each one of the said subscribers, parties to the said covenant, their respective heirs, executors or administrators. And if any part of such other donations as may hereafter be made to said trustees, shall be applied, either the principal or the interest thereof, for any other purposes than those for which they may be respectively given, then such future donation or donations shall in like manner revert to the respective donors, their heirs, executors and administrators.

Negligence, &c.

SEC. 6. *Be it further enacted,* That it shall be the duty of the said trustees, and their successors, to use, manage and improve such fund and estate as may be vested in them by virtue of this act, with care and diligence, so as best to promote the design thereof; and they shall be amenable to said parish for negligence and misconduct in the management and disposition thereof. And the inhabitants of said parish may maintain a special action of the case against the persons of said trustees, or against any one of them, as the case may be, for such personal negligence and misconduct, for adequate damages; and any and all sums so recovered shall be applied for the benefit of the fund, and paid to the trustees or their treasurer for the time being.

May loan, &c.

SEC. 7. *Be it further enacted,* That the said trustees may loan the principal of the fund on in-

terest, to be secured by bond or note with sufficient sureties at the discretion of the trustees or by mortgage of real estate within the County of Essex, of double the value of the sum loaned, as collateral security for repayment of the sum loaned, with interest thereon annually, till paid, or they may vest the principal or any part thereof in the public stocks or banks of this Commonwealth; and they may alienate, by good and sufficient deed or deeds to be executed by them or a committee duly chosen by them for that purpose, any real estate, the title whereof shall be vested in them by way of mortgage, execution or by operation of law.

SEC. 8. *Be it further enacted,* That the said trustees shall cause to be recorded, in a book to be by them kept, the said mutual covenant and agreement, and also a correct statement of the fund and estate in their hands, wherein shall be particularly designated, (as far as practicable) the nature and amount of each original subscription, gift, grant, devise or bequest, with such other facts and circumstances as they may think useful and proper to distinguish the same and perpetuate the remembrance thereof. And the said trustees shall make report of such statement to the inhabitants of the parish annually, at their meeting in March or April, and shall exhibit to the said parish their account with the treasurer of the parish, and the said parish may at their discretion appoint auditors, not exceeding three in number to examine said accounts, and make report to said parish of the state of the fund, with the receipts and disbursements.

Covenant, &c. to be recorded.

Trustees to report, &c.

SEC. 9. *Be it further enacted,* That the trustees aforesaid be, and they hereby are authorized to adopt such by-laws and regulations as they may deem necessary and proper for the management of the aforesaid ministerial fund: *Provided,* the same shall not be in any way repugnant to the Constitution and laws of this Commonwealth.

By-laws, &c.

Proviso.

SEC. 10. *Be it further enacted,* That no compensation shall ever be made to the said trustees

Compensation:

or their successors, from the funds or estate that may be in their hands, or the income thereof, except that such allowance may be made to the clerk and treasurer thereof, as the board of trustees may from time to time direct, and the actual expenses necessarily incurred in the performance of the trust, may likewise be paid by order of the trustees.

First meeting.

SEC. 11. *Be it further enacted*, That John Burns, Solomon Choate and Isaac Dennison, or any two of them, shall call the first meeting of the said trustees, either in March or April next, by posting up notifications of the time and place of such meeting in two public places in the fifth parish in Gloucester aforesaid, at least four days before such meeting; and such meeting may be adjourned from time to time for the purpose of choosing officers, making by-laws, and transacting any other business relating to said Corporation.

[Approved by the Governor, March 9, 1827.]

CHAP. CXXIV.

An Act to incorporate the Minister, Wardens, Vestry and Proprietors of St. John's Church in Sutton.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Daniel L. B. Goodwin, David Wilkinson, Amasa Roberts, William Newhall, Harvy Hartshorn, Sylvanus Holbrook, Abraham Chase, John Dudley, Silas Chase, Austin Holbrook, Joshua Armsby, Joshua W. Leland and Samuel Wood, together with such others as have associated, or may hereafter associate with

them, and their successors, with their polls and estates, be and they are hereby incorporated into a society or body politic, by the name of the Minister, Wardens, Vestry and Proprietors of St. John's Church in Sutton, with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church in the United States of America, and may purchase, receive by gift, or otherwise, and hold, real or personal estate the value of which shall not exceed thirty thousand dollars, for the purpose of building a Church, and supporting public worship therein; may have and use a common seal, and the same alter at pleasure, at any legal meeting of the society; and may ordain and establish such by-laws and regulations as to them seem necessary and convenient, for the government of said society, and the management of their ministerial and parochial funds: *Provided*, such by-laws and regulations shall in no wise be contrary to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the annual meeting of said society, shall be holden on Easter Monday, at such hour and place, as the Wardens and Vestry shall notify and appoint; and at such annual meeting or meetings, or at some adjournment thereof, the members of said society shall choose two Wardens, not less than five nor more than nine Vestrymen, of whom the minister of said society for the time being shall constitute one, and ex officio be moderator, a Treasurer, Clerk, and other necessary officers, for the management of the affairs of said society, who shall continue in office one year and until others are chosen and qualified in their stead; also the annual taxes and assessments of the society shall and may be voted and granted, the manner of calling and notifying meetings of said society, and the duties and authorities of the Wardens and Vestry, and other

officers of the society, and the manner in which vacancies happening by death, resignation or otherwise shall be supplied, shall and may be agreed upon and determined by said society.

Gifts, &c. direction of.

SEC. 3. *Be it further enacted*, That all gifts, grants or monies received by said society shall be under the direction of the Wardens and Vestry for the time being, agreeably to the usages of the said Episcopal Church.

Treasurer to give bond,....Duty, &c.

SEC. 4. *Be it further enacted*, That the Treasurer of said society shall give bond with sureties to the satisfaction of the Wardens and Vestry for the faithful performance of his duties, in such penal sum as the said Wardens and Vestry shall determine, and shall receive all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised or subscribed for the use of said society, and shall have the custody of leases and other written evidence of contracts and debts due to them, and he shall annually, and whenever required by the Wardens and Vestry, exhibit to them, to be submitted to the society, a detailed account of all monies by him received and paid, and of the state of the funds of the society.

Deeds, &c.

SEC. 5. *Be it further enacted*, That deeds and conveyances agreed upon by the society, shall be made and executed by the Treasurer for the time being, to which the seal of the society shall be affixed.

Authorized to assess, &c.

SEC. 6. *Be it further enacted*, That the said society, at any annual meeting, or adjournment thereof, be, and hereby are empowered and authorized, to assess and levy upon the pews of the Church about to be erected, such sum or sums of money as may be necessary to pay the salary of the minister, and defraying such other expenses, as the said society may incur, by reason of any repairs or additions to said Church, or in support of the public worship of God, according to the principles, rights, and usages of the Protestant

Episcopal Church; and all such sums of money as shall be assessed or paid by virtue of this act, shall be apportioned according to a valuation thereof, made by a committee appointed by the said society for that purpose, and recorded in the Clerk's book of the society.

SEC. 7. *Be it further enacted*, That if the owner or owners of any pew or pews in said Church shall neglect or refuse to pay such sum or sums, as may be assessed on such pew or pews, six months after notice of such assessment, the said society are hereby authorized to sell such pew or pews at public auction, by giving three weeks previous notice of the time and place of sale in one of the Newspapers published in the County of Worcester, and the money arising from such sale, after first deducting the assessment due on such pew or pews, and the expenses of sale and collection, shall be lodged in the hands of the Treasurer of said society, to be paid by him to such delinquent owner or owners on demand.

Authorised to sell
pews in certain
cases.

SEC. 8. *Be it further enacted*, That any person, who shall become owner of any pew or pews in said Church, shall be deemed and become a member of said society, and at all meetings of said society, any member or members, thereof being owners of a pew or pews aforesaid, shall be entitled to as many votes as the number of pews he or they shall own in said society, and no more; and every other person who may become a member of said society, agreeably to the provisions of law, and is not at the same time the owner of a pew as aforesaid, shall be entitled to one vote only.

Owners.

Votes.

SEC. 9. *Be it further enacted*, That no assessment on the pews of said Church, for any of the purposes aforesaid, as mentioned in the sixth section of this act, shall be valid or binding, unless two thirds of the votes of all the pew proprietors in said Church shall be in favour of such assessment, allowing one vote to every pew, and any owner or owners of a pew or pews as aforesaid,

Assessments how
valid.

shall, at all meetings of said society, be allowed to vote by proxy.

Deeds to be re-
corded, &c.

SEC. 10. *Be it further enacted.* That all deeds of pews in the Church which may be executed by the said society, shall be recorded, within three months after the same are executed, in the books of the Clerk of said society, and need not be recorded in the office of the Town Clerk or Register of Deeds in the County.

Election of offi-
cers, &c.

SEC. 11. *Be it further enacted,* That any Justice of the Peace for the County of Worcester is hereby authorized, upon application of either of the persons named in this act, to issue his warrant, requiring such person applying aforesaid to notify a meeting of the members of said society, at such convenient time and place, as shall be appointed in said warrant, for the election of such officers, and transacting such other business as may be necessary for the due organization of said society.

SEC. 12. *Be it further enacted,* That this act may be altered, amended or repealed, at any time hereafter, at the pleasure of the Legislature.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXV.

An Act in addition to an act, entitled, "an Act to incorporate the President, Directors, and Company of the Fall River Bank."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Fall River Bank, be, and they hereby are authorized and empowered to increase their present capital stock, by an addi-

tion of one hundred thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in gold and silver, in such instalments, and at such times. and shall be so disposed of, as a majority of stockholders, at any legal meeting, may direct and determine : *Provided however*, that the whole amount thereof shall be paid in, within one year from the passing of this act.

Additional stock.

Proviso.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the capital stock of said corporation is now liable to by virtue of the act to which this is in addition.

Liability.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXVI.

An Act to establish the Ware Village Meeting House Corporation.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Homer Bartlett, Joel Rice, Samuel Phelps, Alpheus Demond, and William Paige, with such others as hereafter may be associated with them, and their successors, be, and they hereby are made a body politic, by the name of "The Ware Village Meeting House Corporation," and by that name may sue and be sued, have a common seal and the same alter at pleasure, and may make and ordain such rules and regulations as are not contrary to the Constitution and laws of this Commonwealth, and to choose such officers as the good management of said body corporate may at all times require.

Persons incorpo-
rated.

May sue, &c

SEC. 2. *Be it further enacted*, That the said

Estate.

Corporation is authorized to have, hold and possess, real estate in the town of Ware, not exceeding in value the sum of ten thousand dollars.

First meeting.

SEC. 3. *Be it further enacted*, That the first meeting of said Corporation shall be convened by a warrant to be issued by any Justice of the Peace for the county of Hampshire, directed to any member of said Corporation, requiring him to notify the members of said Corporation to meet, at a suitable time and place, to be appointed in said warrant.

SEC. 4. *Be it further enacted*, That this act may be altered, amended or repealed, at the discretion of the Legislature.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXVII.

An Act increasing the Capital Stock of the Franklin Bank.

Additional stock.

Proviso.

Liability.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Franklin Bank be, and hereby are authorized to increase their present Capital Stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in, in such instalments and at such times, and shall be so disposed of, as a majority of the stockholders at any legal meeting may direct and determine: *Provided however*, that the whole amount thereof shall be paid in within one year from the passing of this act.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax,

regulations, restrictions and provisions, as the capital stock of said Corporation is now liable to by virtue of this act.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXVIII.

An Act to incorporate the Trustees of the Methodist Episcopal Society in Weymouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Alvah Raymond, William Rice, Urban Rice, Nathaniel Ford, Joseph Dunbar, Cotton Bates and Stephen French, Jun. all of Weymouth, in the county of Norfolk, be, and they are hereby constituted a body corporate and politic, by the name of the Trustees of the Methodist Episcopal Church in Weymouth, for the promotion of piety, religion and morality; and they and their successors shall be, and continue a body politic and corporate, by that name forever; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and may prosecute and defend the same to final judgment and execution, by the name aforesaid.

Persons incorporated.

Common seal, &c.

SEC. 2. *Be it further enacted,* That the aforesaid Trustees and their successors, shall and may annually elect a President, and a Secretary to record the doings and transactions of the Trustees, and a Treasurer to receive and apply the monies or property hereinafter mentioned, as hereinafter directed; and any other officers that may be necessary for the managing of their business; and

Elect officers.

they may make rules, regulations and by-laws not repugnant to the Constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That the number of Trustees shall not, at any time, be more than nine nor less than five, a majority of whom shall constitute a quorum for transacting business; and they may and shall, from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise, as hereinafter provided; and such Trustees shall annually hold a meeting in March or April, and at such other times as may be necessary, which meetings, after the first, shall be called in such way and manner as the Trustees aforesaid shall hereafter direct.

Number of Trustees, quorum, &c.

Capable to hold, &c.

SEC. 4. *Be it further enacted*, That the aforesaid Trustees, and their successors, are hereby made capable in law to possess and hold all the property, both real and personal, belonging to the Methodist Episcopal Society in the town of Weymouth, in trust forever for the use and benefit of the members, for the sole purpose of promoting the public worship of Almighty God, and in further trust and confidence that whenever one or more of said Trustees shall die, or from any cause cease to be a member or members of said Corporation, then, and in that case, the vacancy shall be supplied according to the directions given in the discipline of said Church.

Gifts, &c.

Provido.

SEC. 5. *Be it further enacted*, That any gift, grant, bequest or devise, made, or that hereafter may be made to the said Trustees, or their successors, shall be valid and effectual to all intents and purposes, whatever; and they are hereby empowered to hold real and personal estate, (the annual income of which shall not exceed two thousand dollars :) *Provided*, that the entire income be strictly appropriated to promote the objects of this Corporation, and also that gifts, grants, or donations be faithfully applied according to the real intent of the donor.

SEC. 6. *Be it further enacted*, That all deeds and ^{Deeds, &c.} instruments, which the said Trustees may lawfully make, in their said capacity, shall, when made in their name, and signed and sealed with their corporate seal, and delivered by them, be binding on said Trustees and their successors and valid in law.

SEC. 7. *Be it further enacted*, That said Corporation is hereby vested with all the powers, ^{Power, &c.} rights, and privileges granted to other religious Corporations in this Commonwealth, by their acts in relation thereto.

SEC. 8. *Be it further enacted*, That Alvah Raymond, before named, be, and he is hereby authorized to appoint the time and place for holding the first meeting of said Trustees, and to notify them ^{First meeting.} thereof.

SEC. 9. *Be it further enacted*, That this act may be altered, amended or repealed at the pleasure of the Legislature.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXIX.

An Act to change the Names of the several Persons therein described.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the several persons herein named, shall be known and called by the names they are hereby respectively allowed to assume, viz: That Henry Adams, merchant, may ^{Names changed.} take the name of Henry Fosdic Adams; that Dan Aldrich, may take the name of Lyman Dan

Aldrich; that Thomas Bates, house carpenter, may take the name of Thomas Lathrop Bates; that John Blake, may take the name of John Harrison Blake; that Nancy Pierce Blanchard, may take the name of Ann Isabel Blanchard; that William H. Blanchard, may take the name of Henry Conyngham de Boies; that James Carney, may take the name of James George Carney; that Alvar Carter, may take the name of James Wilder Carter; that Charles Coolidge, may take the name of Charles Leonard Coolidge; that Mary Crooker, may take the name of Mary Young, and that her son Charles Turner Crooker, may take the name of Charles Turner Young; that Hatch Little, may take the name of Henry Hatch Little; that Henry Jones, may take the name of Henry Augustus Jones; that John Godfrey Schwab, may take the name of John Godfrey Stanville; that Enoch Silsby, Jr. may take the name of George Enoch Silsby; that George Thomas, may take the name of George Priest Thomas; that Hugh Welsh, may take the name of Henry Welsh; that George West, may take the name of George Frederick West; that Albert Judd, may take the name of Albert Judd Wright; that Gardner Chandler, may take the name of his father Gardner Leonard Chandler; that Rufus Stillman Dodge, may take the name of Stillman Dodge;—all of the City of Boston, in the County of Suffolk;—that George Archer, the third, may take the name of George Beckford Archer; that Edward Brooks, may take the name of Edward Howes Brooks; that Caroline Augusta Abbot, may take the name of Caroline Abbot Putnam; that David Putnam Abbot, may take the name of David Abbot Putnam; that Sarah Putnam Abbot, may take the name of Sarah Abbot Putnam; that Enoch Morris, may take the name of William Micklefield; that John Prince, the fourth, merchant, may take the name of John G. Prince; that Samuel Knap, may take the name of Samuel Hooper Knap; that Andrew Morgan, Jr. may take the name of Andrew

Winslow Morgan,—all of Salem; that Harriet Church Dodge, of Hamilton, may take the name of Phebe Ann Blanchard Faulkner; that Caroline Northend, of Newbury, may take the name of Caroline Soffrodini; that Henry Perkins, of Newburyport, may take the name of Henry Coit Perkins; that William Henry Jennis, of Rowley, may take the name of William Henry Kendall; that Ezra Worthen Gale, of Amesbury, may take the name of Ezra Worthen,—all of the County of Essex; that Baxter B. Alcock, of Woburn, may take the name of Baxter B. Otis; that Alvar Alcock, of Malden, may take the name of Alvar Otis; that Mellen Chamberlain, of Hopkinton, may take the name of Henry Mellen Chamberlain; that Ben Dix, of Groton, may take the name of Benjamin Perkins Dix; that Calvin Dodge, of Groton, may take the name of Ira Thayer; that Phebe Rice Monson, of Framingham, may take the name of Susan Fiske Monson; that William Mellen, of Sherburne, may take the name of William Henry Mellen,—all of the County of Middlesex;—that Eunice Britton, of Western, may take the name of Eunice Allen; that Mary B. Cole, of Millbury, may take the name of Mary Ann Burnap; that James McQuin, of Leicester, may take the name of James Jackson; that Josiah Whitcomb, Jr. of Leominster, may take the name of Alanson Josiah Whitcomb,—all of the County of Worcester;—that Vestus Haley, of Russell, may take the name of Vestus Parks; that Charles Oliver Cyrus Chapin, of Springfield, may take the name of Charles Chapin; that Pierpont Edwards Bottom, of Monson, may take the name of Pierpont Edwards Bates Botham,—all of the County of Hampden;—that Sylvanus White, of Chesterfield, in the County of Hampshire, may take the name of William Foote White; that Jane Strong, of Greenfield, in the County of Franklin, may take the name of Mary Jane Strong; that Homer O'Brian, of Great Barrington, may take the name of John Homer O'Brian; that Sarah Elizabeth Seymour,

may take the name of Lucretia Elizabeth Newton; that Edward Newton Seymour, may take the name of Edward Seymour Newton, both of Pittsfield; that Egbert French, of Great Barrington, may take the name of Henry Kirke Williams,—all of the County of Berkshire;—that Sarah Chase, of Roxbury, in the County of Norfolk, may take the name of Sarah Ann Chase; that Abby Green Norton, may take the name of Abby Adlington; that Edmund Green Norton, may take the name of Edmund Green Adlington; that Timothy Green Norton, may take the name of Timothy Green Adlington; that Henry Osborn Norton, may take the name of Henry Osborn Adlington,—all of Edgartown, in the County of Dukes' County; and the several persons herein named, shall hereafter be called and known by the names which by this act, they are respectively allowed to assume as aforesaid, and the same shall be considered as their only proper and legal names.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXX.

An Act to establish a Ministerial Fund, for the support of the Gospel Ministry in the First Parish in the town of Medford.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Brooks, Nathaniel Hale, Turill Tufts, Dudley Hale, Nathan Adams, John Symmes, Jr. and Jonathan Porter, and their successors, never however to exceed seven at any one time, which shall form their regular number, be, and they hereby are incorporated

Persons incorpo-
rated.

into a body politic, by the name of "the Trustees of the Congregational Ministerial Fund, for the First Parish in the town of Medford," and by that name may have perpetual succession; a common seal; sue and be sued, plead and be impleaded, receive estates, real and personal, by gift, grant, subscription, devise, bequest, or in any other way, the annual income whereof shall never exceed the sum of one thousand dollars; choose their own officers and define their several powers and duties, and in general enjoy all the legal rights, and be subjected to all the legal liabilities, which belong to Corporations of a similar character.

SEC. 2. *Be it further enacted*, That said Corporation shall invest all the property, which it shall receive as aforesaid, so that the real estates may yield a fair rent or income, and the whole capital be on interest with ample security for payment; that it shall continually re-invest or add to the capital all the rents, income, and interest accruing from said property, until the same amount to three hundred dollars annually; that it shall then appropriate two hundred dollars thereof annually, towards the payment of the salary of the regularly settled Congregational Minister of the First Parish in the town of Medford; that it shall again re-invest and continually add to the capital all the residue of said rents, income, and interest until the whole amount thereof, be four hundred dollars annually; that it shall then appropriate annually three hundred dollars thereof towards the payment of said salary, and re-invest and add to the capital all the residue, and so on; always increasing said annual appropriations towards said salary one hundred dollars, when said rents, income and interest shall have increased one hundred dollars annually, until said appropriations shall have become one thousand dollars annually, at which time the increase thereof shall cease, this being the full annual amount, which the minister is ever to receive from said fund.

Committee, number, duty, &c.

SEC. 3. *Be it further enacted*, That the oversight or visitorial power over this Corporation, shall belong to said first parish; that they may, at either of their regular annual meetings, appoint a committee consisting of three at least, to look into the doings of the trustees, who shall keep books of records thereof always open to them for that purpose; that this committee may fill all vacancies, which occur at that board by death, resignation or otherwise, remove any members therefrom who shall act illegally or remissly in office, or become in any way disqualified therefor; and if they shall neglect to fill up these vacancies for the space of three months after they occur, the Corporation may itself do it; that they shall receive from said Corporation, and pay over to the minister, the appropriations aforesaid, as they arise; and if the whole amount of said rents, income and interest shall ever be more than one thousand dollars annually, the surplus thereof, they may receive, and shall appropriate towards the improvement of church music in said parish, or they may apply it to other parochial charges, if they shall think proper: *Provided, however*, that the Corporation shall never pay over to said committee nor to said parish any one of the appropriations above mentioned, until they know that the appropriations, which they have before paid over for the minister, have been actually received by him: *And provided, also*, that it shall not be in the power of said corporation and parish, or either of them, in any way, to apply said proceeds, or said rents, income and interest, or any part thereof, to the support of any other than a regularly ordained and settled Congregational Minister; and if the corporation and parish, shall ever thus illegally appropriate the same designedly, the whole property constituting the fund, and all the estates, real and personal, belonging thereto, together with the rents, income and interest, which may have been added to them, shall revert to and become again the property of

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the original donors, or their heirs, to be divided between them in fair proportions; and during the times when there is no such minister settled in said parish, the Corporation shall re-invest and add to the capital all the rents, income and interest in the manner before described.

SEC. 4. *Be it further enacted*, That the provisions of this act may be amended or repealed at the pleasure of any future Legislature.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXI.

An Act to incorporate the President, Directors and Company of the Mechanics and Traders Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled. and by the authority of the same*, That David Robbins, Persons Incorporated. Joseph Cloutman, Thomas Needham, William Foye, Perley Putnam, William Ropes, Junior, their associates, successors and assigns be, and they hereby are, created a corporation by the name of the President, Directors and Company of the Mechanics and Traders Bank, and shall so continue from the passage of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled "an Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as

Proviso.

fully and effectually, as if the several sections of the said act were herein specially recited and enacted: *Provided, however,* That the amount of bills issued from said Bank at any one time shall not exceed the amount of Capital Stock actually paid in.

Capital stock, &c.

SEC. 2. *Be it further enacted,* That the Capital Stock of said corporation shall consist of the sum of two hundred thousand dollars in gold and silver, to be, besides such part as this Commonwealth may subscribe in the manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times as the stockholders may direct, fifty per centum however to be paid in on or before the first day of July next, and the residue within one year from the passing of this act; and no dividend shall be declared on the Capital Stock of said Bank, until the whole of said stock shall have been paid in conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy

May hold estate.

and retain to them, their successors and assigns, lands tenements and hereditaments, to the amount of twenty thousand dollars and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable: *Provided, however,* That nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate in mortgage, or on execution, to any amount, as secu-

Proviso.

riety for, or in payment of, any debts due to the said Corporation: *And provided, further,* ^{Proviso.} That no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the Capital Stock subscribed, and actually paid in, and existing in gold and silver, in the vaults, shall amount to fifty thousand dollars, nor until said Capital Stock actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or a majority of them, that said Capital Stock hath been bona fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said Capital, and to return a certificate thereof to the Governor; and no stockholder shall be allowed to borrow any money of said Bank until he shall have paid in his full proportion of the whole of said Capital Stock, as herein before provided and required.

SEC. 3. *Be it further enacted,* That the said Bank shall be established and kept in Salem; and the whole number of Directors shall be nine, all of whom shall be resident in the County of Essex, and a majority of the board shall be inhabitants of said town; and no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place than at the said Bank. ^{Directors, &c.}

SEC. 4. *Be it further enacted,* That whenever the Legislature shall require it, said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the Capital Stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with the annual payment of inter- ^{Loan to the Commonwealth.}

Proviso.

est at a rate not exceeding five per centum per annum: *Provided, however,* That the Commonwealth shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of their Capital then paid in.

Meeting for making by-laws, &c.

SEC. 5. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in two Newspapers, printed in Salem, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the stockholders shall deem necessary: *Provided,* the same be not repugnant to the constitution and laws of this Commonwealth.

Proviso.

Commonwealth to subscribe.

SEC. 6. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half of the Capital Stock actually paid in, to be added to the Capital Stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Legislature to appoint directors

SEC. 7. *Be it further enacted,* That whenever the Commonwealth shall subscribe to the Capital Stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have the right from time to time to appoint a number of Directors to said Bank, in proportion as the sum paid, from the Treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Cashier to give bond.

SEC. 8. *Be it further enacted,* That the Cashier of said Bank, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the board of Directors, in a sum not less

than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the Treasurer of ^{Tax.} this Commonwealth for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder, the original amount of any note of said Bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding ^{Liable to pay, &c.} such alteration; and shall also be holden to pay to any bona fide holder the amount of any note of said Bank counterfeited, unless all the notes actually issued by said corporation shall be printed or impressed with the stereotype plate; and that said corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value, expressed in such bill or note.

SEC. 11. *Be it further enacted*, That in case this act shall not be put into operation, according ^{This act how void.} to the provisions thereof, within one year from the time of passing the same, then it shall become void.

SEC. 12. *Be it further enacted*, That the Capital Stock of said Bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year from the passing of this act. ^{Transfers.}

SEC. 13. *Be it further enacted*, That any committee specially appointed for that purpose by the Legislature, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if upon such examination, it shall be found, and after a full ^{Committee to examine.}

hearing of said corporation thereon, be determined by the Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXII.

An Act to enable certain persons to use the tide waters between Chelsea and Deer Island for certain purposes.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Robert Gerry of Malden, and Abel Bayrd of South Reading, in the County of Middlesex, with such others as may associate with them, and their assigns, be, and they are hereby authorized to use the tide waters in Boston Harbour, between Chelsea and Deer Island, at a place called Point Shirley Gut, for the purpose of improving and working a newly invented Floating Tide Mill, at any such place or places in said Gut, as they may from time to time select therefor: *Provided*, that they shall at all times leave sufficient room for vessels, boats and water craft of all kinds, to navigate the Gut, aforesaid, and that the right to use the waters as aforesaid, shall exist only during the pleasure of the Legislature; *And provided, further*, that the proprietors of said mill shall first obtain the consent of the selectmen of the Town of Chelsea, and the trustees of the Boston Marine Society; and that*

Persons authorized.

Proviso

Proviso.

said society may at all times have the right to regulate the creation of said mill, or to cause the same to be removed, as they may think proper.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXIII.

An Act to establish the South Boston Mill Corporation.

SEC. 1. **BE** ^{it} *enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George Blake, Francis J. Oliver, Jonathan Hunnewell, Samuel K. Williams, Hall J. How and William Wright, their associates, successors and assigns, ^{Persons incorporated.} be, and they are hereby made a body politic and corporate by the name of the South Boston Mill Corporation, and by that name may sue and be sued, ^{May sue, &c.} prosecute and be prosecuted to final judgement and execution; and said corporation shall have power to make and use a common seal, and the same to break and alter at pleasure, and may from time to time, make by-laws for the regulation of the affairs of the corporation: *Provided*, ^{Proviso.} the same be not repugnant to the Constitution and laws of this Commonwealth; may purchase and hold real ^{Estate.} and personal estate, not exceeding in value two hundred thousand dollars, necessary to promote the objects of the corporation, and in general may do and suffer all other acts and things, which bodies corporate may or ought to do or suffer, and be governed in all respects by the laws relative to manufacturing corporations.

SEC. 2. *Be it further enacted,* That the said corporation shall have power to build a dam from ^{Power to build a dam, &c.} a place on or near the northerly shore of South

Boston, commencing easterly of the street, which is the continuation of the Dorchester turnpike, and extending the same at low water mark, not exceeding in any case, one hundred rods from the shore or high water mark, in the natural state of the shore of South Boston, to land of Eleazer Homer, near the easterly point of the shore of South Boston, or to any intermediate point, which dam shall not be less than ten feet wide on the top, and so made as effectually to exclude the tide water, and to form a reservoir or empty basin of such portion of the space between the dam and the shore, as they shall see fit, with all sluice ways, gates and other things to admit and detain the tide waters for the purpose of obtaining water power, and for all manufacturing and for no other purposes; and the said corporation may cut any number of convenient race ways from their full basin to the empty basin aforesaid; may maintain and keep up all their said works forever, and may lease or sell the right of using the water detained within said dam and upon any terms, and in any manner they may think proper; and no person shall have a right to dispose of said water without the consent of said corporation: *Provided, always,* that before building said dam, said corporation shall obtain the consent of all persons and corporations owning the flats to be included under and within the same, and also of the City of Boston for the including of any flats, to which they have any legal rights, and provided that nothing in this act shall be taken or deemed as enlarging the rights of said proprietors of said upland, or of the corporation in relation to said flats or the upland, in any respect whatsoever beyond the rights of said proprietors, as they existed antecedently to the passing of this act.

May cut race
ways, &c.

Proviso-

This act how
void.

SEC. 3. *Be it further enacted,* That if said Corporation shall not, within the term of five years from the passing of this act, undertake the erection of either of said dams, then this act shall be void.

SEC. 4. *Be it further enacted,* That said Corporation shall be subject to all the duties and liabilities

ties, and have all the rights prescribed in "an act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXIV.

An Act in addition to an Act to incorporate the President, Directors and Company of the American Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors, and Company of the American Bank be, and they hereby are authorized and empowered to increase their present capital stock, by an addition of two hundred and fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, as the President and Directors of said Bank may direct and determine: *Provided,* however, that the whole amount shall be paid in within one year from the passing of this act.

May increase
stock.

Proviso-

SEC. 2. *Be it further enacted,* That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions as the present capital stock of said corporation is now holden by virtue of the act to which is this in addition.

Tax, &c.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXV.

An Act in addition to the several Acts for the government and regulation of the State Prison, and defining the powers and duties of the officers of the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in addition to the officers of the State Prison who are now by law to be appointed by the Governor and Council, there shall be appointed, in like manner, some suitable person, to be Clerk and Commissary of said Prison, who shall do and perform all the duties which heretofore have been done and performed by the Clerk and Commissary of said Prison, and such other duties as shall from time to time be assigned to him by law, and the said Clerk and Commissary shall hold his office for the term of four years unless sooner removed by the Executive for the time being, and shall be entitled to receive as compensation for all services by him rendered, such sum, not exceeding in any case, one thousand dollars per annum, payable quarterly, as the Directors may order; and shall not be entitled to any other perquisite or emolument whatever; and so much of any law as authorizes the appointment by the Directors, of any officer, agent, or servant of said prison, shall cease to have effect, and the same shall be and hereby is repealed. And all such officers, agents and servants shall be appointed by the Warden of said prison, by and with the advice and consent of the Directors for the time being : *Provided, however,* that all said officers, agents and servants, who are in office, shall continue therein until others are appointed in their room.

Clerk and Commissary's duty, &c.

Proviso.

SEC. 2. *Be it further enacted*, That any officer, agent, or servant of the prison, now or hereafter appointed, except such as are or may be appointed and commissioned by the Governor and Council, may be removed by the Directors, upon information and complaint of the Warden; and in case of a refusal of the Directors to remove any officer, agent or servant, upon information or complaint as aforesaid, the Warden may appeal to the Governor and Council, who are hereby authorized and empowered to make such removal. Removal of officers.

SEC. 3. *Be it further enacted*, That all orders Orders. by the directors for the regulation and management of the affairs, officers, agents or servants of the prison, or of the convicts confined therein, shall be given in writing to the warden, and in his absence to the keeper, who shall cause the same to be executed.

SEC. 4. *Be it further enacted*, That when sealed Sealed tenders. tenders shall be received to supply any of the articles provided for by an Act passed on the twenty second day of February, A. D. 1822, entitled "an Act for regulating the supplies of food and other articles for the State Prison, and for letting by contract the labour of the convicts," the Directors shall accept the lowest offer therefor, unless they shall find that no offer is so low as the market price of the article wanted; in which case they shall have power to reject the lowest offer; and the Warden, by and with the advice and consent of the Directors, shall proceed to make a contract for the articles wanted, in the best manner for the interest of the Commonwealth: *Provided*, that it Proviso. shall be the duty of the Directors to cause to be recorded all the proposals which they may receive for the supply of any article.

SEC. 5. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of Repeal. this act, be and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this act shall

take effect from and after the first day of May next.

SEC. 7. *Be it further enacted*, That no officer, agent, or servant, appointed by the Warden, by virtue of the provisions of this act, shall, during the time he continues in office, be employed in any other business for his own emolument than that which is required of him in the discharge of the duties of his office.

Officers employ.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXVI.

An Act in addition to an Act entitled "an Act, to regulate the jurisdiction and proceedings of Courts of Probate."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever it shall appear to any Judge of Probate, upon the petition of any executor, or administrator, that any debtor to the estate of the deceased testator, or intestate, is unable to pay the whole debt due from said debtor to said estate, and that it would be for the benefit of those interested in said estate, that the executor or administrator should compound and settle with said debtor, and discharge him from the debt, on his paying a part thereof in money or otherwise, it shall be lawful for said Judge to authorize and empower the executor or administrator to compound and settle with said debtor, by receiving part of the debt which may be due from said debtor, in such way and manner as the

Judge to authorize in certain cases

executor or administrator shall deem to be most beneficial to those interested in said estate.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXVII.

An Act in addition to the several Acts respecting the general powers and duties of Manufacturing Corporations.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no member of any Manufacturing Corporation, and no person who shall have been such member at the time when any debt may have been contracted by such corporation, or the time when any debt so contracted may have accrued, shall hereafter be liable in his individual capacity for any such debt, unless Individual liability. a suit shall have been commenced therefor, and prosecuted against such corporation, within one year after such debt shall have become due, and unless a suit therefor shall be commenced against such person, having been a member as aforesaid, within one year after he shall have ceased to be a member.

SEC. 2. *Be it further enacted,* That any member of such corporation, or any person having been a member as aforesaid, whose real or personal estate shall have been levied upon for the payment of any debt of such corporation, or who shall have paid any such debt on execution, shall have his Members to have actions at law. action at law in any court proper to try the same, or a bill in equity in the Supreme Judicial Court, for contribution, against the other members of such corporation, and persons having been members as aforesaid; but the damages in all such actions for

contribution shall be estimated according to the principles of Courts of Equity, or such member or person having been a member as aforesaid, so paying any debts of such corporation, may, at his election, have his action at law against such corporation.

Adoption, &c.

Proviso.

SEC. 3. *Be it further enacted*, That any such corporation already established may, by a vote at a legal meeting, adopt the provisions of this act, which shall thence forward be deemed and taken to be a part of its act of incorporation, any thing in such act of incorporation, or in the laws of this Commonwealth, to the contrary notwithstanding: *Provided, always*, that such corporation so adopting this act, shall give notice thereof by publishing an attested copy of such vote, together with this act, in one or more of the newspapers of the City of Boston, in which the laws of the Commonwealth shall for the time being be published, and also in one or more of the newspapers of the town or county where such corporation may have its manufacturing establishments erected; and in case no newspaper shall be published in such county, then the publication herein last required, shall be made in one or more newspapers of the nearest county thereto, in which, at such time, there may be a newspaper published: *And provided, also*, that such adoption of this act, shall not be construed to affect any liabilities existing at the time of such adoption.

Proviso.

Executors, &c.
not liable.

SEC. 4. *Be it further enacted*, That the provisions of the several acts to which this is in addition, shall not be construed to render personally liable for the debts of such corporation, any persons holding stock therein, as executors, administrators, guardians or trustees, nor any persons holding such stock as collateral security for any *bona fide* debt, but the persons, pledging such stock as collateral security, shall be subject to the liabilities to which members of such corporation may by law be subject, and the persons so pledging such stock,

shall also be deemed and taken to be members of such corporation, for the purposes of voting and transacting business at any meeting of such corporation, in like manner as if such stock had not been so pledged.

SEC. 5. *Be it further enacted*, That the several acts to which this is in addition, so far as the same may be inconsistent with the provisions of this act, shall cease, and be of no effect, except in respect to such corporations now established as shall not adopt this act, in the manner herein provided.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXVIII.

An Act to incorporate the Hadley Falls Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Chapin, Stephen Chapin, Warren Chapin, and Alfred Smith, together with such other persons as shall become associates with them, their successors and assigns, be and they hereby are made a corporation, by the name of the Hadley Falls Company, for the purpose of manufacturing cotton and woolen goods, grain, wood, iron and other metals, in the town of West Springfield, in the county of Hampden, and for that purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said corporation may hold and possess such real and <sup>Persons incorpo-
rated.</sup> Estate.

personal estate, not exceeding in the whole the sum of thirty-six thousand dollars in value, as may be necessary and convenient for the purposes aforesaid.

First meeting.

SEC. 3. *Be it further enacted*, That any one of the persons named in this act, be, and either of said persons is, hereby authorized, to appoint the time and place for holding the first meeting of said corporation, giving ten days notice thereof to the others, either in person or by writing, any thing in the act aforesaid, defining the general powers and duties of manufacturing corporations, to the contrary notwithstanding.

[Approved by the Governor, March 10, 1827.]

CHAP. CXXXIX.

An Act to incorporate the Trustees for perpetuating the Charity of Edward Hopkins.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of representatives in General Court assembled, and by the authority of the same*, That John Quincy Adams, William E. Channing, Samuel A. Eliot, Thomas B. Gannett, John C. Gray, Benjamin Guild, Levi Hedge, Stephen Higginson, Jr. Abiel Holmes, John T. Kirkland, Charles Lowell, Isaac Parker, John Pierce, William Phillips, Andrew Ritchie, Asahel Stearns, Peter O. Thacher, Henry Ware, and William Wells, the present trustees, under a decree of the High Court of Chancery of Great Britain, for perpetuating the Charity of the Honourable Edward Hopkins, of Harvard College, be, and they hereby are incorporated and made a body politic, by the name of the Trustees of the Charity of Edward Hopkins; and they, and their successors, shall be, and continue a body politic and corporate,

by that name forever, and shall have and exercise all the powers and privileges, and be subject to all the duties and liabilities, incident to corporations.

SEC. 2. *Be it further enacted,* That the said corporation shall never consist of more than twenty-one trustees, seven of whom, including the president, or clerk, or other person having legal possession of the records, shall constitute a quorum; and shall have power to appoint all such officers, and make and ordain all such by-laws and regulations (not inconsistent with the Constitution and laws of this Commonwealth,) as may be deemed needful in relation to the organization of the said corporation, the time and manner of calling meetings, the election, qualification and duty of its officers, the appointment and removal of trustees, and generally, as to the management of all the concerns of said trust, in conformity to the will of the said Edward Hopkins; and the clerk or secretary of said corporation, appointed pursuant to the by-laws thereof, being duly sworn before any Justice of the Peace, shall have the same authority and power to authenticate by his attestation or certificate all the records, votes and proceedings of the said corporation, that town clerks have in relation to the records, votes and proceedings of their towns; and the doings and proceedings of the said corporation, authenticated by the clerk or secretary thereof, shall be used and received in evidence in the same manner as the doings and proceedings of towns authenticated by the clerks thereof.

Number of trustees, quorum, duty, &c.

Clerks power.

SEC. 3. *Be it further enacted,* That all the estate and property, both real and personal, with all the rights, credits and choses in action, belonging, or in any way appertaining to the said trustees before the passing of this act, with all the remedies for the recovery of the same, shall belong to, and be absolutely vested in the said corporation, to all intents and purposes; and the said corporation shall also be subject to all the obligations, duties and liabilities of the said trustees: *Provided, how-*

Estate:

Proviso.

ever, that all actions that may be now pending in any court, either in favour of, or against the said trustees, shall be proceeded in, prosecuted, defended and determined, in the same manner, and the respective parties thereto, shall have and exercise the same rights, remedies and privileges, and be subject to the same duties and liabilities, as if this act had not been passed.

Proviso.

SEC. 4. *Be it further enacted*, That all and singular the acts and proceedings of the said trustees, in the management and execution of the said trust, according to the will of the said Edward Hopkins, and the remaining records thereof, be, and the same are hereby established, confirmed and made valid, to all intents and purposes, notwithstanding the destruction of the said records: *Provided*, nevertheless, that this confirmation of the doings of the said trustees shall not operate, or be construed to defeat, diminish, or in any way impair the just rights of any other person or persons whomsoever.

SEC. 5. *Be it further enacted*, That this act, so far as relates to the necessity of pleading the same by the said corporation, or any other person whomsoever, shall be taken and deemed, in all judicial proceedings, to be a public act.

SEC. 6. *Be it further enacted*, That this act shall be subject to be repealed or modified at any future time by the Legislature.

Actions, security, &c.

SEC. 7. *Be it further enacted*, That whenever said trustees shall commence an action, before any Justice of the Peace or Court in this Commonwealth, such Justice or Court shall, on motion of the adverse party, in said action, require said trustees to give sufficient security, by endorsement of the writ or otherwise, for the payment of any costs, which may be awarded against them in said action; and said trustees, unless they give such security, when thereto duly required, shall become non-suit.

First meeting.

SEC. 8. *Be it further enacted*, That said Stephen Higginson be authorized to call the first meeting

of said trustees, by giving each of them personal notice of the time and place of meeting, seven days at least before the same.

[Approved by the Governor, March 10, 1827.]

CHAP. CXL.

An Act regulating the Driving of Stage Coaches and other Vehicles for the conveyance of Passengers.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That any driver of any stage coach, or other vehicle for the conveyance of passengers for hire, who shall, when any passenger is within such coach or vehicle, leave the horses thereof without some suitable person to take charge and guidance of such horses, or without fastening them in a safe and prudent manner, shall be liable to indictment therefor, and on conviction, to be imprisoned for a term not exceeding two months, or to a fine not exceeding fifty dollars, as the court may order. Liability.

SEC. 2. *Be it further enacted,* That this act shall take effect, and be in force, from and after the first day of June next.

[Approved by the Governor, March 10, 1827]

CHAP. CXLI.

An Act respecting Agencies of Foreign Insurance Companies established in this Commonwealth.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That if any person or association within this Commonwealth, shall make or renew, or cause to be made or renewed, directly or indirectly, on the account, or in the behalf, or as agent of any body politic or corporate, not within this Commonwealth, or authorized by a law of this Commonwealth, any contract of insurance, or by way of insurance, with any citizen or corporation of this Commonwealth, before said person or association has left with the Treasurer of this Commonwealth a true copy of the charter of the corporation on account of which, or in behalf of whom, such agent shall act, and a copy of the letter of attorney, granted him by such corporation; every person or association so offending shall forfeit and pay the sum of five hundred dollars for every such offense, the one half to the informer, the other half to the use of the Commonwealth, to be recovered by action of debt.

Forfeit.

SEC. 2. *Be it further enacted,* That it shall be the duty of every agent aforesaid, before making or renewing any contract of insurance as aforesaid, and annually thereafter, on the first Monday of January, to deposit with the Treasurer of this Commonwealth a statement, signed and sworn to by a majority of the directors of the corporation for which he acts, specifying the amount of its capital and the manner of its investments, designating the amount respectively invested in mortgages, in public securities, in stock of incorporated companies, stating what companies, and also the amount invested in other securities, particularizing each

Agents duty, &c.

item of investment ; and the agent aforesaid shall publish said statement, in some newspaper within the county wherein he transacts the business of his agency ; and any person effecting insurance contrary to the provisions of this act, for each and every offence, shall forfeit and pay the sum of five hundred dollars, to be recovered in manner herein before provided.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person or association to act as agent for, or on account of any insurance company or corporation, not authorized by a law of this Commonwealth, in making or renewing any contract of insurance for or on account of any such company, with any person or corporation within this Commonwealth, unless the capital stock of the company, for which he or they may act, amounts to the sum of two hundred thousand dollars, actually paid in in money, and invested, exclusive of the obligations of the stockholders, in any shape, which shall form no part of said investment, nor unless said company shall be restricted by its act of incorporation, or otherwise, so that it cannot lawfully incur, in any one risk, a greater hazard than ten per centum of the amount of its capital ; and every person offending against the provisions of this act, for each and every offence, shall forfeit and pay the sum of five hundred dollars, to be recovered as is provided in the first section of this act. Agents, &c.

[Approved by the Governor, March 10, 1827.]

CHAP. CXLII.

An Act in further addition to the several Acts for the suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly and lewd persons.

Keepers compensation, how paid, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any person, of any of the descriptions mentioned in the several acts to which this is in addition, shall be committed to any House of Correction, for any of the causes mentioned in the said acts, the keeper of such House of Correction shall receive a reasonable compensation, to be determined by the Court of Sessions of the county, upon due inquiry into the circumstances of each case, for the board and keeping of such person; such compensation to be paid out of his or her own estate, if any there be, and if not, then out of the estate of his or her kindred, who would be liable by law to support such person if a pauper, and if there be no such kindred, then such compensation to be paid by the town or city where such person shall have a legal settlement; and if such person has neither sufficient estate, nor any kindred liable as aforesaid, nor a legal settlement in any town or city of this Commonwealth, then such compensation shall be paid in part by the county, and in part by the Commonwealth, in manner hereinafter mentioned. And all accounts of keepers of Houses of Correction, not already settled and paid, shall hereafter be settled by the Courts of Sessions of the respective counties, and all sums not payable by the person committed, or by his or her kindred, or the town liable as aforesaid, shall be paid to such keeper out of the county treasury; but of the sums so paid out of the county treasury, there shall be

allowed by the Commonwealth, and passed to the credit of such county, the same amount for each person so chargeable to the Commonwealth, which is allowed by law for state paupers.

SEC. 2. *Be it further enacted*, That whenever the friends or relations of any lunatic person committed as aforesaid, shall either at the Supreme Judicial Court, the Court of Common Pleas, or the Court of Sessions, holden within and for the county where such lunatic is committed, make application for the discharge of such lunatic before he or she shall be restored to reason, and shall file with the clerk of such Court a bond to the county treasurer, with sufficient sureties to the satisfaction of such Court, conditioned for the safe keeping and maintaining of such lunatic, such Court may after due examination into the circumstances of the case, if they shall judge it expedient, order the keeper of the House of Correction to discharge and deliver up such lunatic person to the care and custody of the person or persons making such application

Friends, &c. of
Lunatic persons
to make appli-
cation.

SEC. 3. *Be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, March 10, 1827.]

CHAP. CXLIII.

An Act to provide for the Instruction of Youth.

SEC 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That each town or district within this Commonwealth, containing fifty families, or house holders, shall be provided with a teacher or teachers, of good morals,

Number of fam-
ilies, &c.

Term of time,
teachers qualifi-
cations, &c.

to instruct children in orthography, reading, writing, English grammar, geography, arithmetic, and good behaviour, for such term of time as shall be equivalent to six months for one school in each year: and every town or district, containing one hundred families or house holders, shall be provided with such teacher or teachers, for such term of time as shall be equivalent to twelve months, for one school in each year: and every town or district, containing one hundred and fifty families or house holders, shall be provided with such teacher or teachers, as shall be equivalent to eighteen months, for one school in each year. And every city, town, or district, containing five hundred families or house holders, shall be provided with such teacher or teachers, for such term of time as shall be equivalent to twenty-four months, for one school in a year, and shall also be provided with a master of good morals, competent to instruct, in addition to the branches of learning aforesaid, the history of the United States, book-keeping by single entry, geometry, surveying, and algebra; and shall employ such master to instruct a school, in such city, town, or district, for the benefit of all the inhabitants thereof, at least ten months in each year, exclusive of vacations, in such convenient place, or alternately at such places in such city, town, or district, as the said inhabitants, at their meeting in March, or April, annually, shall determine; and in every city, or town, containing four thousand inhabitants, such master shall be competent to instruct, in addition to all the foregoing branches, the Latin and Greek languages, history, rhetoric, and logic.

Town and dis-
tricts power.

SEC. 2. *Be it further enacted,* That the several towns and districts in this Commonwealth, be, and they hereby are authorized and empowered, in town meetings to be called for that purpose, to determine and define the limits of school districts, within their towns and districts, respectively: *Provided*, that nothing contained in this act, shall be so construed, as to prevent any town from carrying

into effect the provisions of this act, in their corporate capacity, and not in school districts, if said town shall so determine.

SEC. 3. *Be it further enacted*, That it shall be, and it hereby is, made the duty of the President, Professors, and Tutors, of the University at Cambridge, and of the several Colleges in this Commonwealth, Preceptors and Teachers of Academies, and all other Instructors of Youth, to take diligent care, and to exert their best endeavours to impress on the minds of children, and youth, committed to their care and instruction, the principles of piety, justice, and sacred regard to truth, love to their country, humanity, and universal benevolence, sobriety, industry, and frugality, chastity, moderation, and temperance, and those other virtues, which are the ornament of human society, and the basis upon which the Republican Constitution is founded. And it shall be the duty of such Instructors, to endeavour to lead those under their care, as their ages and capacities will admit, into a particular understanding of the tendency of the above mentioned virtues, to preserve and perfect a Republican Constitution, and to secure the blessings of Liberty, as well as to promote their future happiness, and the tendency of the opposite vices to slavery and ruin. And it shall be the duty of the resident Ministers of the Gospel, the Selectmen, and School Committees, in the several towns in this Commonwealth, to exercise their influence, and use their best endeavours, that the youth of their respective towns, and districts, do regularly attend the Schools established and supported as aforesaid for their instruction.

SEC. 4. *Be it further enacted*, That the several towns in this Commonwealth are hereby authorized, empowered and directed, at their annual meetings for the choice of town officers, or at any regular meeting called for that purpose, to vote and raise such sums of money for the support of the schools as aforesaid, as they shall judge necessary

Duty of the President, &c.

Town to receive money, &c.

for that purpose, which sums, so voted to be raised, shall be assessed and collected in like manner as other town taxes are by law assessed and collected.

School committee.

Proviso.

SEC. 5. *Be it further enacted,* That each town in this Commonwealth shall, at the annual meeting thereof, for the choice of town officers, choose by written or printed ballots a School Committee, consisting of three, five, or seven persons, who shall have the general charge and superintendence of all the public schools in said town, which are supported at the expense thereof: *Provided,* that any town, containing four thousand inhabitants, and upwards, may choose an additional number, not exceeding five; and it shall be the duty of said committee to require full and satisfactory evidence of the good moral character of all instructors, who may be employed in the several schools in said town, and to satisfy themselves, by personal examination or otherwise, of their literary qualifications and capacity for the government of schools; and no instructor shall be entitled to receive any compensation for his or her service in the instruction of any of the schools aforesaid, without first obtaining from said committee a certificate of his or her qualifications as aforesaid; and it shall furthermore be the duty of said committee to determine the number and qualifications of the scholars, to be admitted into the school kept for the use of the whole town as aforesaid; to visit such school, at least quarter yearly, for the purpose of making a careful examination thereof, and of seeing that the scholars are properly supplied with books; and they shall, at such examination, enquire into the regulation and discipline of such schools, and the habits and proficiency of the scholars therein; and said committee, or some one or more of them, shall visit each of the district schools in said town, for the purposes aforesaid, on some day during the first or second week of the commencement thereof, and also on some day during the two last weeks of the same; and

also all the schools kept by said town, once a month for the purpose aforementioned, without giving previous notice thereof to the instructors.

SEC. 6. *Be it further enacted,* That each town in this Commonwealth, which is or may be divided into school districts, at their annual meeting aforesaid, shall, in addition to the committee aforesaid, choose a committee for each school district in said town, consisting of one person, who shall be a resident in the district for which he shall be chosen. Prudential committee. and be called the prudential committee thereof, whose duty it shall be to keep the school house of such district in good order, at the expense of such district; and in case there be no school house, to provide a suitable place for the school of the district, at the expense thereof; to provide fuel, and all things necessary for the comfort of the scholars therein; to select and contract with a school teacher for his own district, and to give such information and assistance to the said school committee, as may be necessary to aid them in the discharge of the duties required of them by this act: *Provided,* Proviso. that in any town in this Commonwealth, which shall so determine, the members of said prudential committee may be chosen in the several school districts to which they respectively belong, in such manner as said district may decide.

SEC. 7. *Be it further enacted,* That the school committee of each town, shall direct and determine Committees, duty, &c. the class books to be used in the respective classes, in all the several schools kept by said town; and the scholars sent to such schools shall be supplied by their parents, masters or guardians, with the books prescribed for their classes; and the school committee of each town shall procure, at the expense of the town, and to be paid for out of the town treasury, a sufficient supply of such class books for all the schools aforesaid, and give notice of the place or places, where such books may be obtained; and such books shall be supplied to such scholars at such prices as merely to reimburse

to the town the expense of the same ; and in case any scholars shall not have been furnished by their parent, master or guardian, with the requisite books, all such scholars shall be supplied therewith by the school committee, at the expense of the town ; and the school committee shall give notice, in writing, to the assessors of the town, of the names of the scholars so supplied by them with books, of the books so furnished, the prices of the same, and the names of the parents, masters or guardians, who ought to have supplied the same ; and said assessors shall add the amount of the books, so supplied, to the next annual tax of the parents, masters or guardians, who ought to have supplied the same ; and the amount so added shall be levied, collected, and paid into the town treasury, in the same manner as the public taxes : *Provided, however*, that in case such assessors shall be of opinion, that any of such parents, masters or guardians are not able, and cannot afford to pay the whole expense of the books so supplied on their account respectively, such parents, masters or guardians, shall be exonerated from the payment of the whole or part of such expense, and the said assessors shall omit to add the amount of such books, or shall add only a part thereof to the annual tax of such parent, master or guardian, according to the proportion of such expense, which such parent, master or guardian shall in their opinion be able and can afford to pay : *Provided, nevertheless*, that in cases where children are already supplied with books, which shall not be considered by the committee as being extremely faulty, in comparison with others, which might be obtained and which may be possessed in such numbers as to admit of the proper and convenient classification of the school, then, and in that case, the committee shall not direct the purchase of new books, without first obtaining the consent of the parents, masters or guardians of a majority of the children, so already provided for, under the term of two

Proviso.

Proviso.

years from the passing of this act, unless such books become so worn, as to be unfit for use: *Pro-* Proviso.
vided, also, that said committee shall never direct any school books to be purchased or used, in any of the schools under their superintendence, which are calculated to favour any particular religious sect or tenet,

SEC. 8. *Be it further enacted.* That the school committee, in the City of Boston, and in the several towns in this Commonwealth, be, and they her by are required to make and return a report to the Secretary of the Commonwealth, on or before the first Monday of June, in the year of our Lord one thousand eight hundred and twenty-eight, and on the first Monday of June of every year thereafter, the amount of money paid by such city or town during the year ending on the first day of May preceding the time of making said report, for the instruction of the schools kept by said city or town; the number of school districts into which said city or town is divided; the aggregate number of months, that the several schools were kept by such city or town in said year, and what portion thereof was kept by male, and what by female teachers; the whole number of pupils, who have attended any of the schools kept by such city or town during said year; the number of academies and private schools; the number of pupils in the academies and private schools, who have not attended any school kept by such city or town during said year; the estimated amount of the compensation paid to the instructors of academies and private schools during said year; and whether there are any, and what number of persons, over fourteen and under twenty-one years of age, who are unable to read and write.

SEC. 9. *Be it further enacted,* That it shall be the duty of the Secretary of the Commonwealth, in the year of our Lord one thousand eight hundred and twenty-eight, and every year thereafter, to furnish to each city and town a blank form of return, in manner following, viz:— Secretary's duty.

RETURN **OF THE SCHOOL COMMITTEE OF**

Concerning Schools in said town for the year ending May 1, A. D.

Amount paid for Public Instruction during the year.	Number of Public School Districts.	Aggregate time of keeping Schools in the year, estimated in months, and what portion thereof was kept by male, & what by female teachers.	Whole number of pupils attending the Schools kept by the town in the course of the year.	Number of Academies and private Schools.	Number of pupils in Academies and private Schools not attending public schools.	Estimated amount of Compensation of Instructors of Academies and private Schools.	Number of persons over 14 years and under 21, unable to read and write.

Attest,

} School Committee.

SEC. 10. *Be it further enacted,* That the inhabitants of the several school districts, within any town, which hath already, or which shall hereafter define the limits of such districts, qualified to vote in town affairs, be, and they hereby are empowered, at any meeting called in the manner hereinafter provided, to raise money for erecting or repairing a school house in their respective districts, or to purchase, or hire, any house or building, to be used as a school house, and also to purchase land for a school house to stand upon, and for the accommodation of the same: to determine in what part of said district such school house shall stand; to choose a committee to superintend the building, repairing, or purchasing of such school house; to choose a clerk, who shall be sworn faithfully to discharge the duties of his office, and whose duty it shall be to make a fair record of all votes passed at any meeting of said district, and to certify the same when required, and shall hold such office until another person shall be chosen and sworn in his room; also to raise money at any such meeting, to procure necessary utensils for their respective school houses, to be certified as aforesaid, and assessed in manner as is hereinafter provided: *Provided how-*
To raise money for erecting, &c.
ever, that any town may carry into effect the provisions of this section, in their corporate capacity, and at the expense of the town, and may at any legal meeting raise and assess taxes, and adopt all necessary and proper measures for providing school houses and sites thereof, for the several school districts in such town.

SEC. 11. *Be it further enacted,* That for the purposes aforesaid, every person shall be taxed in the district in which he lives for all the estate he holds in the town, being under his own actual improvement, and all other of his real estate, in the same town, shall be taxed in the district in which it is included; and lands where the owner thereof lives without the town, shall be taxed in such district as the assessors, having regard to the local
Taxing.

Assessors duty.

Provide.

Money disposed
of.

situation thereof, shall appoint ; and it shall be the duty of the assessors, before they assess a tax for any district, to determine in which district such lands respectively shall be taxed, and to certify in writing their determination to the clerk of the town, who shall record the same ; and such land, while owned by any person residing without the limits of the town, shall be taxed in such districts, until the town shall be districted anew : *Provided, however,* that all the lands within any town owned by the same person not living therein, shall be taxed in one and the same district ; and the assessors shall assess, in the same manner as town taxes are assessed, on the polls and estates of the inhabitants comprising any school districts defined as aforesaid, and on lands in said town belonging to persons living out of the same, which the assessors shall have directed to be taxed in such district, all monies voted to be raised by the inhabitants of such district for the purposes aforesaid, in thirty days after the clerk of the district shall certify to said assessors the sum voted by the district to be raised as aforesaid ; and it shall be the duty of said assessors to make a warrant in due form of law, directed to one of the collectors of the town to which such district belongs, requiring and empowering said collector to levy and collect the tax so assessed, and to pay the same within a time to be limited in said warrant, to the treasurer of the town, to whom a certificate of the assessment shall be made by the assessors ; and the money so collected and paid, shall be at the disposal of the committee of the district, to be by them applied to the building or repairing of a school house, or to the purchase of a house or building, to be used as a school house, or to the purchase of land for the site of a school house, as herein provided for, in the district to which such committee shall belong ; and such collector, in collecting such tax, shall have the same powers, and

be holden to proceed in the same manner, as is by law provided in collecting town taxes.

SEC. 12. *Be it further enacted,* That the treasurer of any town, to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid, shall have the same authority to enforce the collection and payment of the money so assessed and certified, as if the same had been voted to be raised by the town, for the town's use; and the treasurer and collector shall be paid the same commissions on the money collected and paid for the use of a school district aforesaid; and the assessors for assessing said tax shall be allowed by the district the same sum for each and every day while employed in assessing the same, as is allowed and paid by the town for similar purposes.

Treasurer to enforce collection.

SEC. 13. *Be it further enacted,* That the assessors of the several towns and districts in this Commonwealth, be, and they are hereby vested with the same powers to remit sums of money assessed on the inhabitants of every school district, for the purpose of purchasing, building, hiring, repairing, or furnishing school houses, as they have to remit any sums of money assessed on the inhabitants of any town or district, for defraying town or district expenses.

Assessors power to remit, &c.

SEC. 14. *Be it further enacted,* That it shall be the duty of the selectmen of the several towns, divided into school districts as aforesaid, upon application made to them in writing by three or more freeholders resident within any school district in their respective towns, "or if there be not so many freeholders resident in such district, then any three of the inhabitants thereof who pay taxes," to issue their warrant directed to one of the persons making such application, requiring him to warn the inhabitants of such district qualified to vote in town affairs, to meet at such time and place in the same district, as the selectmen shall in their warrant appoint; and the warning aforesaid shall be by notifying personally every person in the dis-

Selectmen to issue warrants, &c.

Proviso.

trict, qualified to vote in town affairs, or by leaving at his last and usual place of abode a written or printed notification, expressing therein, the time, place, and purpose of the meeting, seven days at least, before the time appointed for holding the same: *Provided, however,* that any school district, at any regular meeting thereof, warned as aforesaid, having an article in the warrant of the selectmen, for that purpose, shall have power to prescribe the mode of warning all future meetings of such district, and the mode so prescribed shall be legal until altered by such district at a subsequent meeting thereof; and any vote to raise money for any of the purposes aforesaid, passed by a majority of the inhabitants of a school district, present at a district meeting, warned and held as aforesaid, shall be obligatory on the inhabitants of said school district, to be assessed, levied, and collected, in the manner herein provided.

Selectmen to determine place of erection, &c.

SEC. 15. *Be it further enacted,* That if the inhabitants of any school district cannot agree where to erect or place a school house for the accommodation of the same, the selectmen of the town to which such district belongs, upon application made to them by the committee of the district, for building or placing a school house, are hereby authorized and empowered to determine the place, where a school house for the accommodation of the district, shall be placed or erected.

Voters opposed to, &c.

SEC. 16. *Be it further enacted,* That whenever a meeting of the inhabitants of any school district, within this Commonwealth, shall be called for the purpose of raising money as aforesaid, and a majority of the voters present are opposed to the raising of money for any of the purposes contemplated in the warrant for calling such meeting, it shall be lawful for any five or more of the freeholders, who are inhabitants of said school district, or if there be not so many freeholders resident in such district, then any five of the inhabitants thereof, who pay taxes, to make application in writing to

the selectmen of the town, in which such school district is situated, requesting them to insert in their warrant for calling the next town meeting, an article requiring the opinion of the town relative to the expediency of raising such monies, as are proposed in the warrant for said district meeting: and if the majority of the voters, present in said town meeting, shall think the raising of any of the sums of money proposed in said warrant, to be necessary and expedient, they shall grant such sum or sums as they shall think necessary for the purposes contemplated, and the same shall be assessed on the polls and estates of the inhabitants of said district, and collected and paid over in the manner herein provided.

SEC. 17. *Be it further enacted*, That each and every school district in this Commonwealth, is hereby made a body corporate, so far as to bring and maintain any action, on any agreement made with any person or persons for the non-performance thereof, or for any damage done to their school houses, or other property, and shall be liable to have any action brought and maintained against them, for the non-performance of any contract made by them; and said corporation shall have power to take, and hold, in fee simple, or otherwise, any estate, real or personal, which has been, or may be given, by any person or persons for the purpose of supporting a school or schools in said district, and to apply the same for the purposes aforesaid; and may prosecute and defend any suit or suits relative to the same; and every member of any school district shall and may be admitted as a competent witness, and his deposition be used, in the same manner as inhabitants of towns, districts, precincts, or parishes, or religious societies, are by law now admitted, and their depositions taken and used.

Districts incorpa-
rated.

Estate, &c.

SEC. 18. *Be it further enacted*. That nothing in this act contained, shall be so construed as to affect the right of any corporation, heretofore, or which may

This act not to
affect, &c.

be hereafter established in any city, town, or district, in this Commonwealth, to manage any estate, or funds given or obtained for the purpose of supporting schools therein, or in any wise to affect any such estate or funds, given or obtained, for the purpose aforesaid, but such corporate powers, and such estate and funds, shall be, and remain, as if this act had never passed.

Town's neglect,
forfeiture how
recovered, &c.

*not to raise
any to support
schools & to
have committee
audiential Com
not raising
any sum twice
large as ever raised
on matter
over 200 "
than one*

SEC. 19. *Be it further enacted,* That any town in this Commonwealth, which shall refuse or neglect, at their annual meeting, for the choice of town officers, to vote and raise money for the support of schools, as provided for in this act, and to choose a school committee to superintend said schools, or, if said town is divided into school districts, prudential committees in the several districts in said town, for the purposes herein before mentioned, every such town shall forfeit and pay, for refusing or neglecting to vote and raise money as aforesaid, upon conviction thereof, a sum equal to twice the highest sum which such town had ever voted to raise for the support of schools therein; and for refusing or neglecting to choose either of the committees aforesaid, on conviction thereof, a sum, of not more than two hundred dollars, nor less than one hundred dollars, to be recovered by information, or indictment, in the Supreme Judicial Court, or Court of Common Pleas, when holden in and for the county within which such town is situated; and the money so recovered shall be paid into the Treasury of said County, one fourth thereof for the use of said County, and three fourths thereof shall be paid by the said Treasurer to the school committee of such town, if any such committee exist, if not, to the Selectmen of such town, for the support of schools therein; and every such school committee, or board of Selectmen, who shall receive notice from the Treasurer of the County, in which they reside, of any money being holden by him for the purpose aforesaid, shall forthwith receive, apportion, and appro-

priate the same to the support of schools in such town, in the same way and manner it should have been appropriated, if it had been raised by such town, pursuant to the provisions of this act.

SEC. 20. *Be it further enacted,* That the Secretary of this Commonwealth be instructed to transmit to the Town Clerk of each and every town in the Commonwealth, as soon as conveniently may be, a sufficient number of printed copies of this act, to supply each school district with one copy; and it shall be the duty of said Town Clerks to deliver to the Prudential Committee of each district, one copy, for the use and benefit of the district.

Secretary to furnish copies of this act.

SEC. 21. *Be it further enacted,* That an act passed on the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An Act to provide for the Instruction of Youth, and for the promotion of good education"—also an Act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred, entitled, "an act in addition to an act, entitled, an act to provide for the Instruction of Youth, and for the promotion of good education"—also an act passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and two, entitled "an act in addition to an act passed in the year of our Lord one thousand eight hundred, entitled, an act in addition to an act, to provide for the Instruction of Youth, and for the promotion of good education"—and also an act passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and eleven, entitled, "an act in addition to the several acts respecting School Districts"—also an act passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifteen, entitled, "an act in addition to the several acts regulating the building and repairing of school houses"—also an act passed on the thirteenth day of June, in the year of our Lord one

Certain acts repealed.

thousand eight hundred and seventeen, entitled, "an act in addition to the several laws now in force respecting school districts"—also an act, passed on the twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-two, entitled, "an act making members of school districts competent witnesses in certain cases"—and also an act passed on the eighteenth day of February, in the year of our Lord one thousand eight hundred and twenty four, entitled, "an act to alter and amend an act, entitled, an act to provide for the instruction of Youth, and for the promotion of good education"—also an act passed on the fourth day of March, in the year of our Lord one thousand eight hundred and twenty-six, entitled, "an act further to provide for the instruction of youth," severally be, and they hereby are repealed: *Provided however*, That the several acts aforesaid shall continue and be in force, so far as they or either of them may relate to any suit or suits, or any thing done, in virtue of said acts or either of them.

PROVISO.

[Approved by the Governor, March 10, 1827.]

CHAP. CXLIV.

An Act for the protection of the City of Boston against Fire.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That every church, meeting-house, or other place of public worship, school-house, or other public building, every building for distilling or brewing liquors, or baking bread for sale, or for roasting cocoa for

Certain buildings
how built, &c.

manufacturing the same into chocolate, for making soap, melting tallow, dying, boiling, or distilling turpentine, casting brass or iron, refining sugar, making glass, for sale, or for chemical works of any dimensions, which shall, from and after the passing of this act, be built within the City of Boston, shall have all its sides or walls, except so much as may be necessary for doors and windows, built of brick or stone, not less than twelve inches or the length and breadth of a common sized brick in thickness; and if any building abovementioned, shall exceed twenty-five feet in width, or fifty feet in length, between either of its sides or walls, or shall exceed twenty feet in height between either of its floors, or in either of its stories, its wall shall not be less than sixteen inches, or the length of two common sized bricks in thickness. And if any building above mentioned, shall exceed forty feet in width, or sixty feet in length, between either of its sides or walls, or shall exceed twenty-five feet in height, between either of its floors, or in either of its stories, its walls shall not be less than twenty inches, or the length of two common sized bricks and a half in thickness; and every building abovementioned shall have its roof slated or covered with some metallic substance, and have all its battlements and partition walls carried above the slating of the roof, and be capped with stone or some metallic substance.

SEC. 2. *Be it further enacted*, That every building, except those in the preceeding section mentioned, which from and after the passing of this act, shall be built within the City of Boston, which shall be more than twenty-two feet in height from the level of the highest point of the street, alley or court, in front of such building, to the drip of the eaves, shall have all its sides or walls built of brick or stone, except so much as may be necessary for doors and windows, and all its sides or walls from the cellar to the highest point of the roof, shall be at least either twelve inches, or the length and

Buildings, more
than 22 feet high
how built.

breadth of a common sized brick in thickness ; and in case any building in this section mentioned, of the above height, shall exceed forty feet in width or sixty feet in length between any of its sides or walls, all its walls shall not be less than sixteen inches, or the length of two common sized bricks in thickness ; and if at any time, said building be divided into different tenements, its partition walls shall rise in battlements above the roof, and be at least eight inches or the length of a common sized brick in thickness, capped with stone or some metallic substance ; and all external end walls which are now erected, or which may be erected, and which shall at any time hereafter be used as partition walls, shall be finished as herein before provided ; and where one roof rises above another, all such partition walls may be finished as external end walls ; and in all cases where any building in this section mentioned, shall be separated from another building in this section mentioned by a partition wall, the same shall be built of stone or brick, and be at least twelve inches, or the length and breadth of a common sized brick in thickness.

SEC. 3. *Be it further enacted*, That every building which, from and after the passing of this act, shall be built within the city of Boston, which shall be not more than twenty-two feet in height, from the level of the highest point of the street, alley or court in front of such building to the drip of the eaves, shall have all its sides or walls built of brick or stone, except so much as may be necessary for doors and windows ; and all its sides or walls from the bottom of the cellar to the under side of the first floor, which may be above or on a level of the street as above mentioned, shall be at least twelve inches, or the length and breadth of a common sized brick in thickness ; and all its sides or walls which shall be above the said level of the street, alley or court, shall be at least either eight inches, or the length of a common sized brick in thickness ; and in case any building, which shall not be

Buildings not
more than 22 feet
high how built.

more than the height, in this section abovementioned, shall exceed twenty-five feet in width, or forty feet in length, between any of its walls, its walls shall not be less than twelve inches, or the length and breadth of a common sized brick in thickness, and be covered with slate or stone, well laid in mortar or cement, or rise in battlements above the roof, and be at least eight inches, or the length of a common sized brick in thickness, capped with stone, or some metallic substance. And no building, in this section mentioned, shall be used for ^{Use, approval, &c} any of the purposes stated in the first section of this act, except the same be approved by the Mayor and Aldermen of said City: and no walls, in either of the preceding sections mentioned, shall be deemed conformable to the provisions of such section, unless the same shall be originally built, from their foundation, of the thickness required in such section, in a faithful and workmanlike manner.

SEC. 4. *Be it further enacted*, That every building abovementioned in the second and third sections of this act, shall have its roof of a regular ^{Roofs, gutters, &c.} pitch, and be entirely covered with slate, tile, or some metallic substance, except such opening as may be wanted for windows or scuttles; it shall also have its gutters divided from those of the adjoining houses, by a coving of brick or stone, and, in all cases, where its gutters shall not be of stone, copper, or iron, its external walls shall be carried up, not less than four inches thick, to the top of the boarding, and the slating shall be carried over such external wall, and be well laid in cement or mortar.

SEC. 5. *Be it further enacted*, That every shed or woodhouse adjoining a shed or woodhouse belonging to another building, shall be separated therefrom by a brick or stone wall not less than eight inches thick, and be carried up at least to an even surface with the under side of the roof of such shed or woodhouse. ^{Sheds, &c. separation.}

Additions, &c.

SEC. 6. *Be it further enacted,* That all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations, in part or in whole, shall be deemed subject to the restrictions and regulations of this act; and no building mentioned in the third section of this act shall have its walls raised beyond the height, or its roof varied beyond the dimensions, specified in the third section aforesaid: *Provided,* that nothing herein contained shall prevent the repairing of any wooden building or buildings with flat roofs now erected.

Proviso.

Doors.

SEC. 7. *Be it further enacted,* That no doors shall ever hereafter be made through any partition wall, dividing adjacent premises, unless the opening, made for such purpose, shall be finished forthwith, and furnished with an iron door, in a frame of brick, stone, or iron. or unless the same shall open into some shed, woodhouse, or out building connected with the house and making part of the same.

Two story wooden buildings.

SEC. 8. *Be it further enacted,* That it shall be lawful, any thing in this act to the contrary notwithstanding, to erect within the City of Boston, two story wooden buildings, to be used for dwelling houses, and for no other purpose, except for such purposes as may be approved by the Mayor and Aldermen, of the following description, viz: the posts to be not more than eighteen feet, the roof to be of a regular pitch of one-third, the bottom of the sills to be elevated not exceeding eighteen inches above the level of the street, or above the point where such level shall be determined on by the surveyors of highways, and such level shall be determined upon, and notice given thereof, to owners or builders, within twenty days after application by them therefor, such buildings to be, in no case, more than thirty feet in height, from the bottom of the sill to the highest point of the roof, and in no case to be more than forty by twenty-five feet on the ground, the roof to be slated, and to have at least one window or scuttle in the same;

and if two or more wooden buildings as aforesaid shall be joined together, there shall be a partition wall of brick between them, at least eight inches in thickness, extending in height to an even surface with the under side of the slating of the roof; and whenever any such wooden building shall be erected within five feet of the boundary line of the owner or owners of the land on which it may be built, unless such boundary line be on the highway, it shall have a brick wall of like thickness on the side so adjoining: *Provided, always,* that no two story wooden buildings, provided for in this act, shall be erected within ten feet of each other, unless one of them have a brick wall on the side next adjoining, of the dimensions above specified; and whenever any out buildings shall be connected with the dwelling houses in this section mentioned, of more than eleven feet in height, the roof of such out-buildings shall be covered with slate; and also, that no wooden buildings shall be erected within the City of Boston, in a range of more than fifty feet extent, without the intervention of a brick partition wall, of the height and thickness, and covered in the manner in this section before specified; and also, that no such wooden buildings shall be placed within four feet of each other, unless the wall of one of them so adjoining be of brick or stone, of the thickness above specified; and no wooden building, specified in this section, shall be adjoined or added to another wooden building, now built, or which may hereafter be built, and which shall be higher than ten feet, whereby the area of both said buildings shall exceed forty by twenty-five feet, unless a brick partition wall be erected between them as above specified.

SEC. 9. *Be it further enacted,* That it shall be lawful, any thing in this act to the contrary notwithstanding, to build houses or other buildings of wood, within the City of Boston, the posts whereof, measuring from the bottom of the lower sill to the top of the plate, shall not exceed thirteen feet, and

the pitch of the roof thereof not to exceed one-third pitch, provided that such roof be of a regular slope from the plate to the top thereof, and that no window or windows shall be erected or made on the sloping part of the roof of such house or building: *And provided also*, that in no case, shall any such house or building exceed sixteen feet in measure, from the ground to the highest point in the roof: *And provided further*, that such house or building shall not be used for any of the purposes specified in the first section of this act.

Permission to
build upon
wharves, &c.

SEC. 10. *Be it further enacted*, That, upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Mayor and Aldermen, wooden buildings of no greater height than those mentioned in the eighth section of this act, with the same pitch of roof, may be erected, which shall be covered on all sides, with slate, tile, lime mortar, or some metallic substance, unless, in consideration of peculiar circumstances, the Mayor and Aldermen shall otherwise in either of the above respects authorize.

Violations.

SEC. 11. *Be it further enacted*, That if any person shall begin to build any building, which, if finished in conformity with its beginning, would be a violation of the provisions of this act, and shall not, after notice in writing, from the Mayor of said city, or any Engineer of the Fire Department thereof, within thirty days make requisite alterations therein, so that the same may become conformable, if finished, to the provisions of this act, such persons shall be liable to all the penalties hereinafter provided, and be liable to prosecution in the same way as if said building was finished.

Removal of
buildings, &c.

SEC. 12. *Be it further enacted*, That no wooden building, more than ten feet high, shall be removed from any part of Boston to any other place within the same city, without the permission of the Mayor and Aldermen, under such restrictions and provisions as they shall prescribe; nor shall any

wooden building heretofore erected within said city, and not now used as a dwelling house, be hereafter occupied as a dwelling house, or for any other purpose than that to which it is now applied, without the permission of the Mayor and Aldermen as aforesaid.

SEC. 13. *Be it further enacted*, That the owner or owners of every house or other building which shall be erected contrary to the provisions of this act, shall be liable to pay a sum not less than fifty dollars, nor more than two hundred dollars annually and every year, at the discretion of the Court, until a brick or stone wall shall be erected, of the dimensions above provided, and until such building or addition thereto shall be effectually secured against fire according to the provisions of this act; and on the conviction of any person or persons for erecting any building against any of the provisions of this act, it shall be the duty of the Chief Engineer of the City of Boston to cause an attested copy of such conviction to be duly recorded in the office of the Register of Deeds for the County of Suffolk, whose duty it shall be to receive and record the same; and thereupon the owner or owners of said building for the time being, shall be liable to pay the said sum of not less than fifty dollars, nor more than two hundred dollars, annually and every year, to the City of Boston, until said house or building shall be made conformable to the provisions of this act; and the same may be recovered by an action on the case, to be brought in the name of said City, in any court of competent jurisdiction, by the Treasurer thereof, whose duty it shall be, unless the same be annually paid, to bring an action for the same accordingly.

Liability.
Fines, recovery
of

SEC. 14. *Be it further enacted*, That all houses or buildings within said City of Boston, which have been, or which shall hereafter be erected in the manner described in this act, and which are now, or which may hereafter be covered with slate, tile, or some metallic substance, shall continue to be so co-

Repairs, penalty,
&c.

vered with slate, tile, or some metallic substance, and shall be kept effectually secured against fire, in manner as is hereinbefore described; and if any person or persons, being owner or proprietor of any house or other building, or having authority, or whose duty it shall be to repair the same, shall hereafter suffer such house or other building to remain, in whole or in part, uncovered with slate, tile, or some metallic substance, for the space of thirty days after he, she, or they, shall have been notified to repair or cover the same, by the Mayor of said City, or any Engineer of the Fire Department thereof, he, she, or they shall forfeit and pay for such offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be, by him, her, or them, suffered to remain so uncovered, in the manner required by this act.

Alterations, &c.

SEC. 15. *Be it further enacted*, That whenever any house, or other building within the said city of Boston, hereafter erected, shall be found to be erected contrary to the provisions of this act, the owner or owners of such house or building shall be held and required to alter and make such house or building to conform to the provisions of this act; and any person or persons as aforesaid, who shall suffer his, her, or their house or other building, to be and remain not conformable to the provisions of this act, for the space of thirty days after he, she, or they shall have been notified by the Mayor of said city, or by any Engineer of the Fire Department thereof, shall forfeit and pay for such offence a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards that such house or building shall be by him, her, or them, suffered to remain exposed to fire as aforesaid, and not conformable to the provisions of this act.

SEC. 16. *Be it further enacted*, That every person who shall offend against any of the provisions

contained in the preceding sections, shall forfeit and pay a fine, not less than fifty dollars, nor more than five hundred dollars, according to the nature and aggravation of the offence: and all and any of the penalties which are given in and by this act, may be recovered by indictment, information, complaint, or action upon the case, in any court of competent jurisdiction; and in such indictment it shall not be necessary to set forth any more of said act, than so much thereof as relates to, and is necessarily truly and substantially to describe the offence alleged to have been committed; and it shall be the duty of each and every Engineer of the Fire Department of said city, and they and each of them are hereby required, to inquire after all offences which shall come to their knowledge, and which shall be committed against the true intent and meaning of this act, and shall cause the same to be duly prosecuted.

Fines, how recovered, &c

SEC. 17. *Be it further enacted*, That nothing in this act shall be construed to extend to any building now erected, or which may hereafter be erected, without the limits of the peninsula of said city of Boston, or without the ancient limits of the city on both sides of the Neck, as far as the boundary lines between Roxbury and Boston.

Limitation of this act.

SEC. 18. *Be it further enacted*, That all acts and parts of acts now in force, and which are inconsistent with the provisions of this act, be, and the same are hereby repealed; excepting, that such parts as may be necessary to recover fines and penalties incurred, upon the acts aforesaid, shall still remain in full force.

Repeal.

SEC. 19. *Be it further enacted*, That all the fines and penalties, which shall be recovered by force of this act, shall enure to the use of the city of Boston.

SEC. 20. *Be it further enacted*, That this act shall not have effect unless the same shall, after thirty, and within ninety days, from the passing of the same, be accepted at a legal meeting

This act to be accepted by inhabitants.

of the qualified voters of the City of Boston, to be called for that purpose, and voting thereon by ballot.

[Approved by the Governor, March 10, 1827]

CHAP. CXLV.

An Act to incorporate the President, Directors, and Company, of the Boston South Bank.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Nathaniel Whittemore, Adam Bent, William Wright, David Rice, Josiah Dunham, David Gurney, Noah Brooks, Isaac Thom, John Amory, and Jacob Flinn, their associates, successors, and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Boston South Bank, and shall so continue from the first Monday of May next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an Act entitled "an Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of the said act were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Provide.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of September next, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of February next, and the residue on or before, the first day of March next; and no dividend shall be declared on the capital stock of said bank, until the capital stock shall have been paid in, conformably to the provisions of this act; and the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors, and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars and no more, at any one time; with power to bargain, sell, dispose and convey the same by deed, under the seal of said corporation, and signed by the president or two of the directors; and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they may think advisable: *Provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount as security for, or in payment of, any debts due to the said corporation: *And provided, further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital

Capital stock,
shares, &c.

May hold estate.

Proviso.

Proviso.

subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty-five thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three commissioners to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Governor; and no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock as herein before provided and required.

Location.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in that part of Boston called South Boston; and no loan or discount shall be made, nor shall any bill or note be issued by said corporation or by any person on their account, in any other place than at the said bank.

Loan to Commonwealth.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money, which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same, in any two of the newspapers printed in Boston for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first board of directors, and such other officers as they shall see fit to choose: *Provided*, such by-laws and regulations be not repugnant to the Constitution and laws of this Commonwealth. By-laws, § c.
Proviso,

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established. Commonwealth
to subscribe-

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of directors to said bank, in proportion as the sum, paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said bank, if, at any time hereafter, they shall see fit to exercise that right. Commonwealth
to appoint directors.

SEC. 8. *Be it further enacted*, That the cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the board of directors, in a sum not less than Cashier to give
bond.

fifty thousand dollars, with conditions for the faithful discharge of his office.

Tax.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax, to the treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of capital stock, which shall have actually been paid in.

Counterfeit bills.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and shall also be liable to pay to any *bona fide* holder the amount of any note of said bank counterfeited, excepting such note is printed or impressed with the stereotype plate; and said corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Transfers.

SEC. 11. *Be it further enacted*, That the capital stock of said bank, or any part of it, shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof within the year aforesaid, it shall be void.

Committee.

SEC. 12. *Be it further enacted*, That any committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and have free access to all their books and vaults; and if upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the

Legislature, that the said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 10, 1827.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, APRIL 27, 1827.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Acts, as passed by the General Court, at their Session in January, February and March last, and that they appear to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE THIRTIETH DAY OF MAY, AND ENDED ON SATURDAY, THE SIXTEENTH OF JUNE, ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN.

CHAP. I.

An Act to incorporate a School at Nantucket by the name of Admiral Sir Isaac Coffin's Lancasterian School.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established, in the town of Nantucket, in the county of Nantucket, a School by the name of Admiral Sir Isaac Coffin's Lancasterian School, for the purpose of promoting decency, good order and morality, and for giving a good English education to the youth who are descendants of the late Tristram Coffin, (who emigrated from England about the year 1641, first settled at Salisbury in Massachusetts Bay, now State of Massachusetts, and from thence removed to the town of Sherburne, now Nantucket,) as the Trustees for the

School
established.

*Classical
School
1903, 165.1*

*1
Plan 1 amended 1903, 165.1*

Trustees appointed.

time being shall direct, and that William Coffin, Ariel Coffin, Gorham Coffin, Jared Coffin, Thaddeus Coffin, and Charles G. Coffin, with such others as they may add to their number, be nominated and appointed Trustees; and they are hereby incorporated into a body politic, by the name of the Trustees of Admiral Sir Isaac Coffin's Lancasterian School, and they and their successors shall be, and continue a body politic forever.

SEC. 2. *Be it further enacted*, That all lands, buildings, monies, or other property heretofore given or subscribed for the purpose of establishing the aforesaid School, or which shall hereafter be given, granted, or assigned to the said Trustees, shall be confirmed to the said Trustees, and their successors, in that trust forever, for the uses for which said School is established, and the said Trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal, provided that the annual income of the same shall not exceed the sum of three thousand dollars, and shall apply the interest, rents, and profits thereof, so as most to promote the design of the institution.

SEC. 3. *Be it further enacted*, That the said Trustees, for the time being, shall be the visitors and governors of said institution, and shall have full power, from time to time, to elect such officers thereof as they shall judge necessary and convenient, and fix the tenure of their respective offices, and to fill up all vacancies that may happen in the Board of Trustees, by death, resignation, or removal from the town of Nantucket: *Provided always*, that the Trustees shall all be the descendants of the before mentioned Tristram Coffin, in the male or female line; to determine the times and places for holding their meetings; the manner of notifying the Trustees; to ascertain the powers and duties of their several officers; to elect instructors and prescribe their duties; to make and ordain reasonable rules, orders, and by-laws, for the government of the in-

May hold property, &c.

May elect officers, &c.

Proviso.

Sect 2
Amended
1913, 16582
1912, 223

stitution, provided the same be not repugnant to the laws of the Commonwealth.

SEC. 4. *Be it further enacted*, That the Trustees of said School may have a common seal, which they may change at pleasure, and all deeds sealed with said seal, and delivered and acknowledged by the Secretary of said Trustees, by their order, shall be valid and binding in law; and said Trustees may sue, and be sued, in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Admiral Sir Isaac Coffin's Lancasterian School.

May have common seal.

May sue and be sued.

SEC. 5. *Be it further enacted*, That the number of said Trustees shall never exceed nine, nor be less than six, one of whom shall be appointed as President, three of whom with the President, or five without the President, shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time; and a majority of those present shall decide all questions that may properly come before said Trustees.

Number of Trustees

to constitute a quorum.

SEC. 6. *Be it further enacted*, That William Coffin, Esquire, be, and he is hereby authorised and empowered to fix the time and place for holding the first meeting of the Trustees, and to notify them thereof.

First meeting.

SEC. 7. *Be it further enacted*, That this act may at any time be modified or repealed by the Legislature of this Commonwealth.

SEC. 8. *Be it further enacted*, That an act passed in the year of our Lord one thousand eight hundred and twenty-seven, entitled "An act to incorporate a School at Nantucket, by the name of Admiral Sir Isaac Coffin's Lancasterian School," be, and the same hereby is repealed.

Repeal.

[Approved by the Governor, June 8, 1827.]

CHAP. II.

An Act to incorporate the Boston Mechanics' Institution.

Persons incorporated

May have a seal.

Powers granted.

First meeting.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Bowditch, Henry A. S. Dearborn, Daniel Treadwell, David Moody, Stephen Fairbanks, their associates, successors, and assigns, be, and they hereby are incorporated under the name of the Boston Mechanics Institution, for the purpose of instruction in the Sciences as connected with the mechanic arts, with power to have a common seal, and the same to alter at pleasure, to sue and be sued, to make by-laws and regulations for the government of their own affairs, not repugnant to the Constitution or Laws of this Commonwealth, and to appoint such officers for the regulation of their concerns as they may deem expedient, with power to hold real estate not exceeding in value twenty thousand dollars, and personal estate not exceeding twenty thousand dollars.

SEC. 2. *Be it further enacted,* That any two of the persons herein named may call the first meeting of said Corporation, by notice, printed in one or more newspapers in the city of Boston, ten days at least before the time appointed for such meeting.

SEC. 3. *Be it further enacted,* That this act shall be subject to revision or repeal, at the will of the Legislature.

[Approved by the Governor, June 15, 1827.]

CHAP. III.

An Act altering the times of holding the Courts of
Common Pleas in the County of Worcester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Court of Common Pleas, now holden at Worcester, within and for the county of Worcester, on the second Monday of March, and on the second Monday next after the fourth Monday of November, shall hereafter be holden on the first Monday in March, and the first Monday of December, annually.

Time altered.

SEC. 2. *Be it further enacted,* That all writs, appeals, recognizances, and processes, and every other matter or thing, returnable to, or now pending in said Court of Common Pleas, shall be returned to, and have day in said Court, at the times for holding the same established by this act; and all parties and persons who, before the passing of this act, were required to appear and attend at the terms aforesaid, shall appear and attend, and have like day in Court, at the terms established by this act.

Writs, &c. to be returned.

[Approved by the Governor, June 15, 1827.]

CHAP. IV.

An Act to incorporate the Third Congregational Society in Cambridge.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Joseph N. Howe, Jr. Thomas Hastings, Jesse Hall, William Parmenter, Sewell White, William F. Stone, William Whitney, Caleb Hayden, and all those persons who now have, or hereafter may subscribe and pay the sum of fifty dollars, towards the erection of a Congregational Meeting-house at Lechmere Point, in Cambridge, or otherwise become interested therein, their successors and assigns, shall be, and they hereby are, created and established as a religious society, and body politic and corporate, by the name of the "Third Congregational Society in Cambridge," with all the powers, privileges, and immunities of Parishes, and may purchase and hold real and personal estate to any amount, the annual income of which shall not exceed three thousand dollars ; and may ordain and establish such by-laws and regulations for the management of their concerns, not repugnant to the constitution and laws of this Commonwealth, as they may think expedient

May hold real
and personal
estate.

SEC. 2. *Be it further enacted,* That the subscriptions for the purpose of erecting said Meetinghouse shall be by shares, the number and amount of which, and the mode of transferring them, and of the pews in said house, shall be established by the by-laws of the Corporation, which pews shall be considered personal property.

SEC. 3. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any assessment legally made on his share or shares, for the purpose of erecting said Meetinghouse, to the Treasurer of said Corporation, for the space of thirty days after the same is payable, and due no-

tice thereof given, the said Treasurer is hereby authorized to sell at public auction, the share or shares of such delinquent proprietor, after posting notice of the time, place and cause of sale, at the new Court house in Cambridge, and two other public places in said town, thirty days before such sale, and make a proper transfer thereof to the highest bidder, and deducting the sums due on said share or shares, and the incidental charges of conveyance, pay the surplus to the proprietor; or the said Treasurer may sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment, due and payable on his share or shares, made for the purpose aforesaid: *Provided*, such assessments shall not exceed the original amount of the share.

Shares of delinquents may be sold.

SEC. 4. *Be it further enacted*, That there shall be a meeting of the members of said Society in the month of June in each year; and the mode of calling, and the time and place of holding, said meeting, and all other meetings of the Society, shall be settled by vote of the Corporation, at which annual meeting there shall be chosen a Clerk, who shall record all votes and proceedings of the Society, and be sworn to the faithful discharge of his duties; a Treasurer, who shall give bonds for the faithful performance of the duties of his office, and such other officers as the Society may deem expedient, who shall hold their offices for one year, and until others are chosen.

Annual meeting.

SEC. 5. *Be it further enacted*, That if at the expiration of one year from the erection and completion of said Meeting house, any of the pews therein shall remain unsold, and not disposed of by the shareholders, they shall forthwith proceed, by public or private sale, or by a division of the pews not disposed of, among the subscribers, or by some other equitable mode of disposition, to be adopted by the share holders, to sell and dispose of all the pews then remaining unsold in said Meeting house. And after such sale or division, the proprietors who

Pews may be sold.

individually own one or more pews, shall compose and constitute the Corporation created by this act, and such proprietors, their successors, and assigns, are hereby constituted a Religious Society, and body politic and corporate, by the name of the Third Congregational Society in Cambridge, with all the powers, privileges, and immunities by this act granted.

Assessments.

SEC. 6. *Be it further enacted*, That all monies necessary for the support of public worship in said Meeting house, and to defray other incidental charges which shall be duly voted to be raised, shall be assessed on the pews in said house, according to the relative value thereof. And a list of such assessment, stating the number of each pew, and the amount assessed thereon, shall be made out and delivered to the Treasurer, who shall collect the same, and pay out the amount under the direction of the Society. And the pews shall be holden and liable, respectively, for the amount assessed thereon, into whose hands soever they may come. And the Treasurer shall have authority to sell any pew for the payment of any assessment thereon, legally made, in the manner prescribed in the third section of this act, for the sale of the shares of delinquent proprietors.

Mode of voting.

SEC. 7. *Be it further enacted*, That [at] all meetings of said Society, after the expiration of one year from the completion of said Meeting house, every proprietor of a pew or pews shall be entitled to vote, allowing one vote to each pew; but the Society may, nevertheless, by their by-laws and regulations, provide for the admission of any occupant or occupants, of any pew, to vote at the meetings of said Society.

Mode of transfer.

SEC. 8. *Be it further enacted*, That the mode of transferring pews in said Meeting house shall be by certificate, to be signed by the Clerk and Treasurer, containing the name of the purchaser, the number and description of the pew conveyed, which certificate shall be recorded by the Clerk,

in a book to be kept for that purpose, and no transfer shall be valid until so recorded, and no new certificate shall be issued until the old one is given up.

SEC. 9. *Be it further enacted*, That the first meet- First meeting.
ing of said Society shall be called by Thomas Has-
tings, Joseph N. Howe, Jr. Isaac Train, Jesse Hall,
and William Parmenter, or any two of them, by a
written or printed notice, stating the time and place
of meeting, which notice shall be left at the place
of abode or business of each subscriber or share
holder, four days at least before the meeting.

[Approved by the Governor, June 16, 1827.]

CHAP. V.

An Act to incorporate the South Congregational Society in the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House
of Representatives, in General Court assembled, and
by the authority of the same*, That Thomas Brewer,
Ephraim Marsh, Thomas Hunting, Walter Cornell, Persons incorpo-
rated.
Augustus G. P. Colburn, Henry H. Fuller, and Ro-
bert Treat Paine, and all others who may associate
with them, and their successors, be, and they hereby
are, incorporated as a religious Society, by the
name of the South Congregational Society in the
City of Boston, with all the privileges, powers and
immunities to which other religious societies in this
Commonwealth are entitled by law, and the con-
stitution thereof.

SEC. 2. *Be it further enacted*, That the said Society
shall be capable in law, to purchase, hold, and dis-
pose of, any estate, real or personal, for the use of
said Society: *Provided* the annual income thereof May hold real
and personal
estate.

shall not at any time exceed the sum of three thousand dollars.

First meeting.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Suffolk, be, and he is hereby authorized to issue his warrant to any member of said Society, requiring him to warn the members thereof to meet, at such convenient time and place in the City of Boston as shall be therein directed, to choose a Secretary, a Treasurer, and such other officers, committee or committees, as they may deem needful; also to order and establish such regulations, rules, and by-laws, for their government, and for the management of their concerns, as they may see fit: *Provided* the same are not repugnant to the laws and constitution of this Commonwealth.

[Approved by the Governor, June 16, 1827.]

CHAP. VI.

An Act to incorporate the East Medway Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lowell Bullen, Gilbert Clark, Jotham Clark, Nathan Jones, and such other persons as already have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are, made a Corporation, by the name of the East Medway Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, and making machinery for said purposes, at Medway, in the county of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all

Powers.

the duties and requirements contained in an act of this Commonwealth, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary or convenient for establishing and carrying on the said Manufactures at Medway as aforesaid.

May hold real
and personal
estate.

[Approved by the Governor, June 16, 1827.]

CHAP. VII.

An Act to incorporate the Springfield Institution for Savings.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bezaleel Howard, John Ingersoll, Israel E. Trask, Joshua Frost, Daniel Bontecou, Oliver B. Morris, Daniel Lombard, Samuel Orne, Robert Emery, John B. Kirkham, Frederick H. Packard, and Henry Brewer, together with such other persons as have associated, and may hereafter associate with them, be, and they hereby are, constituted a Corporation, by the name of the "Springfield Institution for Savings," and shall so continue for the term of thirty years.

Persons incorpo-
rated.

SEC. 2. *Be it further enacted*, That said Corporation shall be capable of receiving from any person, disposed to obtain and enjoy the advantages of said Institution, any deposite or deposits of money, and

Deposits.

to use and improve the same for the purposes, and according to the directions herein provided.

SEC. 3. *Be it further enacted*, That all deposits of money, received by the said Corporation, shall be by them used and improved to the best advantage, and the income, or profit thereof, shall be applied and divided among the persons making the said deposits, their executors, administrators, or assigns, in just proportion; and the principal of such deposits may be withdrawn at such times, and in such manner, as said Corporation shall direct and appoint.

Election of members.

SEC. 4. *Be it further enacted*, That said Corporation may, at any legal meeting, have power to elect, by ballot, any other persons as members of said Corporation.

May have common seal.

SEC. 5. *Be it further enacted*, That the said Corporation may have a common seal, which they may change at pleasure; and that all deeds, grants, covenants, and agreements, made by their Treasurer, or any other person by their authority, shall be good and valid; and the said Corporation shall at all times have power to sue, and may be sued, and defend, and be held to answer by the name aforesaid.

Annual meeting.

SEC. 6. *Be it further enacted*, That the said Corporation shall hereafter meet at Springfield, some time in the month of May, annually, and as much oftener as they may judge expedient; and any seven members of the said Corporation, the President, Secretary, or Treasurer, being one, shall be a quorum; and the said Corporation, at their annual meeting, shall have power to elect a President, and all such other officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year; and until others are chosen in their stead; and all officers, so chosen, shall be under oath to the faithful discharge of the duties of their offices respectively.

May make by-laws.

SEC. 7. *Be it further enacted*, That said Corporation may make by-laws for the more orderly ma-

nagement of their business, provided the same be not repugnant to the constitution and laws of this Commonwealth; and the Legislature may at any time make such further regulations for the government of said Institution as they may deem expedient.

SEC. 8. *Be it further enacted*, That either of the persons named in the first section of this act, may, by public notification in either of the Springfield newspapers, call the first meeting of said Corporation, at such time and place as he shall judge proper. First meeting.

SEC. 9. *Be it further enacted*, That the Legislature may, at any time hereafter, alter, amend, or repeal this act.

[Approved by the Governor. June 16, 1827.]

CHAP. VIII.

An Act to amend an act entitled "An Act to establish the Boundary Line between the towns of South Hadley and Granby, in the county of Hampshire," passed June, 1826.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the boundary line between the towns of South Hadley and Granby, in the county of Hampshire, shall be known, fixed, and established as follows, viz: Beginning at a pine tree, now a boundary between said towns, standing in the northerly line of the town of Springfield, thence running north, seven degrees west, to Stony Brook, thence northerly, in a straight line, to the present Boundary line.

boundary between the house lot of Eleazer and Nathaniel Nash, and the lot of Seth Moody.

[Approved by the Governor, June 16, 1827.]

CHAP. IX.

An Act to incorporate the Uxbridge Woollen Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Amariah Chapin, George Willard, Royal Chapin, and Osmus Taft, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of the Uxbridge Woollen Manufacturing Company, for the purpose of manufacturing cloths and woollen goods, in the town of Uxbridge, in the county of Worcester, and for that purpose shall have all the powers and privileges, and be liable to all the duties and requirements contained in an act, entitled "An Act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

Powers.

May hold real and personal estate.

SEC. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate, not exceeding in value fifty thousand dollars, and such personal estate, not exceeding in value one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

SEC. 3. *Be it further enacted,* That any one or more of the persons above named, are hereby au-

thorized and empowered to call the first meeting First meeting. of the members of said Corporation, at such time and place as he or they may see fit to appoint, by giving ten days notice thereof, either by personal notification or otherwise.

[Approved by the Governor, June 16, 1827.]

CHAP. X.

An Act to incorporate the Berkshire Fire Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Edward A. Newton, Henry Shaw, Theodore Sedgwick, David Campbell, Jr. Lemuel Pomeroy, Ezekiel R. Colt, Henry W. Dwight, their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Berkshire Fire Insurance Company, for and during the term of twenty years from the passing of this act, and by that name may sue and be sued, Persons incorporated. plead and be impleaded, appear, prosecute, and defend to final judgment and execution, and have a common seal, which they may alter at pleasure ; and may purchase, hold, and convey, any estate, real or personal, for the use of said Company : *Provided*, they shall not hold real estate exceeding Powers. the value of ten thousand dollars, excepting such Proviso. as may be taken for debt, or held as collateral security for the debts due to said Company.

SEC. 2. *Be it further enacted,* That the capital Amount of capital stock. stock of said Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, fifty per centum of which shall be

paid in money within ninety days from the first meeting of said Company, and the residue in one year from and after the first meeting of said Company.

Officers, &c. SEC. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; and shall, at the time of their election, be stockholders of said Company, and citizens of this Commonwealth, and shall be Annual meeting. elected annually, on the first Monday of October, at such time of the day, and at such place in the town of Pittsfield, as a majority of the Directors for the time being shall appoint ; of which election public notice shall be given in any newspaper printed in said town, for the space of ten days immediately preceding such election ; the election shall Mode of voting. be made by ballot by a majority of the stockholders present, allowing one vote to each share in the capital stock, provided no stockholder shall be allowed more than ten votes ; and the stockholders not present may vote by proxy, under such regulations as the said Company shall prescribe ; and if through any means the Directors should not be chosen as aforesaid, it shall be lawful to choose them in manner aforesaid, on any other day.

Election of President. SEC. 4. *Be it further enacted*, That the Directors, so chosen, shall meet as soon as may be after their election, and choose, by ballot, out of their number, one person to be President, who shall be sworn faithfully to discharge the duties of his office ; and in case of death or resignation of the President, the Directors may, in manner and form as above prescribed, proceed to fill such vacancy.

Board for trans-acting business. SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a board competent for the transaction of business ; all questions before them shall be decided by a major-

ity of votes; they shall have power to make and prescribe such by-laws, regulations, and rules, as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said Company, and the transfer of shares therein, and the powers, duties, and conduct of the several officers, clerks, and servants employed in the service of the Company, and the election of Directors, and the making of policies, and all such matters as appertain to the business of Insurance, or the interest of the Company : *Provided*, such by-laws, rules, and regulations, be not repugnant to the constitution and laws of this Commonwealth. And they shall also have power to appoint a Treasurer, Secretary, and such other officers, as may be deemed needful. And they shall also have power and authority, in behalf of said Company, to make insurance on any property or buildings, against any damage by fire, originating in any cause except design in the insured, for such time, and on such conditions as the parties may agree to : *Provided*, the Company shall not insure, on any one risk, more than ten per centum on the capital stock actually paid in; and provided also, that said Company shall not take any risk, or subscribe any policy, until one moiety of the capital stock of said Company shall have actually been paid in. And all policies of insurance by them made, shall be subscribed by the President, or two of the Directors, and countersigned by the Secretary, and shall be binding upon the Company, and have the like effect and force as if under the seal of the said Company; and all losses duly arising under policies so subscribed, may be adjusted and settled by the President and board of Directors, or such agent as they shall authorize, and such adjustment shall be binding upon said Company.

May make by-laws, &c.

Proviso.

Proviso.

SEC. 6. *Be it further enacted*, That the said Company shall not, directly, or indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever.

Liability of the
President and
Directors.

SEC. 7. *Be it further enacted*, That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estate, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed. And the President and Directors shall cause to be printed or written on any policy they shall make, the amount of the capital stock, and the largest sum they take on a risk.

Statement of
profits.

SEC. 8. *Be it further enacted*, That once in three years, and oftener if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends, and the Company shall, when required, lay before the Legislature a statement of their affairs under oath.

Semiannual
dividend.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Directors, on the first Monday of May and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of said Company, as to them shall appear advisable; but the monies received, and the notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of said Company; and in case of any loss whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

First meeting.

SEC. 10. *Be it further enacted*, That any three of the persons named in the first section of this act are hereby authorized to call a meeting of the said Company, in Pittsfield, by advertising the same, for the purpose of electing the board of Directors, who shall hold their offices until another board shall be chosen.

SEC. 11. *Be it further enacted*, That no transfer of the stock shall take place within one year from the passing of this act ; and that if the provisions of this act shall not be complied with in one year from the first meeting, then the same shall be void. Stock not transferable first year.

SEC. 12. *Be it further enacted*, That the said Company shall be liable to be taxed, by any general law providing for the taxation of all similar institutions. Liable to taxation.

[Approved by the Governor, June 16, 1827.]

CHAP. XI.

An Act in addition to an act, entitled “ An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Union Society in Amherst.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no alteration or revision, in the act to which this is in addition, shall ever be made, so as to alter the appropriation of said fund, or any part or parts thereof, made by the donors, grantors, or devisors respectively ; but such appropriation shall remain permanent and unalienable ; and in case of a different appropriation, such part or parts of said fund, thus alienated, shall revert to the original grantor, donor, or devisor, any thing in the act aforesaid to the contrary notwithstanding.

[Approved by the Governor, June 16, 1827.]

CHAP. XII.

An Act to incorporate the Proprietors of the Meeting House of the third Religious Society in Longmeadow.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph W. Cooley, Silas Hall, John Hall, Noah Pratt, Ethan Taylor, and Stephen Taylor, with all others who have associated, or may hereafter associate with them, for the purpose of building a Meeting house, their successors and assigns, be, and they hereby are incorporated by the name of "The Proprietors of the Meeting House of the third Religious Society in Longmeadow," and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations as to them may seem necessary and convenient for the government of said Corporation: Provided, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.*

Persons incorporated.

Powers, &c.

SEC. 2. *Be it further enacted, That the said Corporation may purchase and hold real and personal estate, including the Meeting house, and land under the same, not exceeding five thousand dollars, and shall divide the same into shares, the number of which shall not be less than two hundred, nor more than five hundred; and may make and impose all necessary assessments on such shares: Provided, that this act may be modified or repealed at any time hereafter, if in the opinion of the Legislature it shall be deemed expedient.*

May hold real and personal estate.

SEC. 3. *Be it further enacted, That whenever any proprietor shall neglect or refuse to pay any assessment, legally made upon his share or shares, to the Treasurer of said Corporation, within thirty days after the same shall be made payable, the said*

Treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, or so many of them as may be necessary to defray such assessment, and all charges, after posting notice of the time, place, and cause of such sale, at two or more public places in Longmeadow, and also on the door of the Meeting house, in case one shall have been erected and standing, at least thirty days before such sale, and to make and execute a deed or deeds thereof, to the purchaser or purchasers, and after deducting the amount of such delinquent's assessment, and necessary incidental charges. the said Treasurer shall pay the surplus, if any there be, to such delinquent proprietor, or the said Treasurer may sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment due and payable on any share or shares of such delinquent proprietor.

Shares may be sold in case of delinquency.

SEC. 4. *Be it further enacted*, That there shall be an annual meeting of the said proprietors in the month of March or April, at which they shall elect, by ballot, a President, Clerk, Treasurer, and five Trustees, of whom the President shall be one, and the Treasurer and Clerk shall be sworn to the faithful discharge of their respective trusts; and at such meeting, each proprietor, or his agent duly authorized in writing, shall be entitled to as many votes as he holds shares: *Provided*, that no one person shall be entitled to more than ten votes.

Annual meeting.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Clerk to keep a record of all the proceedings of said Corporation, and of all shares and transfers of shares, and to grant certificates thereof to said proprietors; and the shares may be transferred under the hand and seal of the proprietors, by transfer endorsed on the back of such certificate.

Shares transferable.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the county of Hampden, may issue his warrant to any one of said proprietors, for the purpose of calling the first meeting to elect officers,

First meeting.

and organize said Corporation at such convenient time and place as he shall direct ; the meeting to be warned as he shall therein order ; at which meeting said proprietors may agree upon the manner of calling future meetings.

[Approved by the Governor, June 16, 1827.]

CHAP. XIII.

An Act relating to the appointment of Enginemen in the Town of Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Firewards of the town of Salem be, and they are hereby authorized and required, to exercise all the powers, and to perform all the duties in relation to the nomination and appointment of enginemen, which the Selectmen of the said town have been heretofore authorized and required to exercise and perform ; and enginemen appointed by the said Firewards shall be subject to the same duties, and entitled to the same privileges and exemptions as enginemen heretofore appointed by the said Selectmen.

Enginemen appointed by Firewards.

SEC. 2. *Be it further enacted,* That the said Firewards be, and they are hereby authorized, if they shall judge it expedient, to nominate and appoint any number of enginemen in addition to the number now authorized by law, not exceeding in the whole forty-five men for each and every Hydraulion or Suction engine, thirty men for each and every common engine, four men for each hose carriage, twenty men for each sail carriage, twenty men to be employed as a hook and ladder company, and twenty-five men to be employed as a

Additional firemen may be appointed.

hose company. And the said enginemen are authorized to organize themselves into distinct companies, under the direction of the Firewards, to elect Directors, Clerks, and other officers, to establish such rules and regulations as may be approved by the Firewards, and to annex penalties to the same, which may be recovered by the Clerk of any company so organized, before any Justice of the Peace in the county of Essex: *Provided*, that no penalty shall exceed the sum of ten dollars, and that such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

May organize,
&c.

Proviso.

SEC. 3. *Be it further enacted*, That the said Firewards shall have the care and superintendence of the public pumps and cisterns, and also of the public engines, hose and sail carriages, fire hooks, and adders, together with the fixtures and appendages thereto belonging; and shall cause the same to be kept in good repair, and may, from time to time, make such alterations and improvements therein as they shall deem expedient.

Firewards to superintend pumps cisterns, &c.

SEC. 4. *Be it further enacted*, That the inhabitants of the said town of Salem, at their annual meeting in the month of March, may, if they shall judge it expedient, appoint a committee consisting of five Firewards, who shall exercise all the powers, and perform all the duties which the Firewards are by this act authorized to exercise and perform.

Inhabitants of Salem may appoint committee;

SEC. 5. *Be it further enacted*, That if any person shall, within the said town of Salem, wantonly or maliciously, spoil, break, injure, damage, or render useless, any public pump or cistern, or any engine, hose carriage, or sail carriage, or any fixture or appendage thereto belonging, and shall be convicted thereof before the Supreme Judicial Court, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, at the discretion of the court, and be further ordered to recognize with sufficient surety or

Penalty.

sureties for his good behaviour, for such term as the court shall order.

[Approved by the Governor, June 16, 1827.]

CHAP. XIV.

An Act to incorporate the Proprietors of the Tremont Theatre.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas H. Perkins, Edward D. Clark, Charles F. Kupfer, Thomas Brewer, John Redman, and Oliver Mills, and all such persons as are or may be associated with them for the purpose of erecting and keeping a Theatre in Boston, and their successors, be, and they hereby are made a Corporation by the name of the Proprietors of the Tremont Theatre; and by that name they may sue and be sued, have a common seal, and have and enjoy all the powers and privileges, and be subject to all the duties incident to corporations, and they shall have power to make, and at their pleasure to alter, such by-laws, for the management and regulation of their corporate property and concerns, as to them may appear expedient: Provided, the same be not repugnant to the constitution or laws of this Commonwealth.*

SEC. 2. *Be it further enacted, That said Corporation be authorized to purchase, take, and hold, the land on which said proprietors are now erecting a Theatre on Common street in the City of Boston; and such other real and personal estate as may be the necessary and proper appendages of a Theatre; and manage and direct the operations of the same as a corporate body: Provided, the whole real es-*

Persons incorporated.

Powers.

Proviso.

May hold real and personal estate.

Proviso.

tate shall not exceed one hundred thousand dollars, and the personal estate shall not exceed fifty thousand dollars.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares of equal value, and no transfer of a share shall be valid, until such transfer be recorded by the Clerk of the Corporation; and such shares may be attached on mesne process, and taken and sold on execution, according to law. Transfer.

SEC. 4. *Be it further enacted*, That any one or more of the persons named in the first section of this act, be authorized to call the first meeting of said proprietors, for the purpose of organizing the Corporation, to be holden at such time and place, as he or they shall appoint, by giving ten days notice thereof, in an advertisement, to be published in one or more of the Boston newspapers. First meeting.

SEC. 5. *Be it further enacted*, That this act may be altered, amended or repealed, at the discretion of the Legislature.

[Approved by the Governor, June 16, 1827.]

CHAP. XV.

An Act to incorporate the Phœnix Fire Insurance Company in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Otis, Samuel Billings, Caleb Andrews, Edward Clark, and Ralph Haskins, with their associates, successors and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Phœnix Fire Insurance Company, with the Persons incorporated.

May insure property against fire.

power to insure buildings and property against fire ; and to be governed and controlled by the provisions contained in a law of this Commonwealth, entitled "An Act to define the powers, duties, and restrictions of Insurance Companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as they may apply to a corporation established for the sole purpose of insuring against the risk of fire ; and with authority to make insurance against fire, on buildings, machinery, and stock employed in manufacturing, and on dwelling houses, and all other buildings and property liable to be burned and injured by fire, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure ; and may purchase, hold, and convey, any estate, real or personal, for the use of said Company : *Provided*, their real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due said Company.

May sue and be sued, have common seal, &c.

Proviso.

Capital stock,

how paid in.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money, within ninety days after the first meeting of said Company, and the residue thereof, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint, within one year from the passing of this act.

Officers, &c.

SEC. 3. *Be it further enacted*, That the property, affairs, and concerns of said Company shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said Com-

pany, and citizens of this Commonwealth, at the time of their election, which shall be on the third Tuesday of June in every year, at such time of the day, and place in Boston, as a majority of the Directors for the time being shall appoint, notice of which election shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballot, and by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock : *Provided*, that no stockholder shall be allowed more than thirty votes ; and absent stockholders may vote by proxy ; and if, from any cause, the Directors shall not be chosen on the third Tuesday in June as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. Proviso.

SEC. 4. *Be it further enacted*, That the said Directors shall meet as soon as may, after every election, and choose from their own board, one person to be President, who shall be sworn to the faithful discharge of the duties of his office : and every vacancy in the office of President, or Director, that may occur in the interim of the annual meetings, may be filled by the surviving and continuing Directors. Election of President.

SEC. 5. *Be it further enacted*, That the President and four Directors, or five Directors in the absence of the President, shall be a board competent to transact the business of the Company ; and all questions before them, shall be decided by a majority of the board ; and they shall have power to make such rules, and by-laws, as they may deem proper, for the management of the affairs and security of the property of said Company, and have power to appoint a Secretary, and such other officers as they may deem expedient, and make such compensation as they may think adequate to the services performed : *Provided*, such rules and by-laws be not repugnant to the constitution, or laws of this Commonwealth. Powers.
Proviso.

First meeting.

SEC. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of this Company, for the purpose of organizing, and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding said first meeting.

SEC. 7. *Be it further enacted*, That the said Company shall never take on any one risk a sum extending ten per centum of the capital stock of said Company actually paid in, agreeably to the provisions of this act.

Liable to be taxed.

SEC. 8. *Be it further enacted*, That said Phoenix Fire Insurance Company shall be liable to be taxed by a general law, providing for the taxation of all similar corporations.

SEC. 9. *Be it further enacted*, That said Company shall not take any risk, or subscribe any policy, until one moiety of the Capital Stock of said Company shall actually have been paid in.

[Approved by the Governor, June 16, 1827.]

CHAP. XVI.

An Act to incorporate the Saugus River Bleaching and Printing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William True and Daniel D. Brodhead, together with their associates, and such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby incorporated, by the name of the Saugus River Bleaching and Printing Company, for bleaching cotton goods and printing calicoes, at

their Manufactory in the town of Saugus, and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord, one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of Manufacturing Corporations, and also, the several acts supplementary thereto." Powers.

SEC. 2. *Be it further enacted*, That the said Corporation may be lawfully seized of such real estate not exceeding the value of eighty thousand dollars, and of such personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the Manufactory aforesaid. May hold real and personal estate.

[Approved by the Governor, June 16, 1827.]

CHAP. XVII.

An Act in addition to an Act entitled "An Act, establishing the Fifth Massachusetts Turnpike Corporation," and the several acts in addition thereto.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Fifth Massachusetts Turnpike Corporation be, and they hereby are authorized and empowered to locate and make a piece of road from the house of Isaac Hasling in the town of Warwick, across land of James Goldsbury, and of Amos Taylor, or either of them, and down the gulf road, so called, northerly from the meeting house in said Warwick, to the place at which the said gulf road intersects the branch of May make road

said Turnpike, which leads from the tavern of Moses Smith in Orange, to Winchester, near a brick school house, and when said new piece of road shall be made and accepted by a Committee to be appointed for that purpose, by the Court of Common Pleas, for the County of Franklin, so much of said branch leading to Winchester, as lies between said Smith's house, and the point of intersection with the said gulf road, shall be discontinued as part of said Turnpike, and said Corporation be exonerated from all burthen of supporting and repairing the same, and shall be holden and bound to maintain and support instead thereof the said piece of road hereby authorized to be made.

SEC. 2. *Be it further enacted*, That the said Fifth Massachusetts Turnpike Corporation, shall be subject to all the duties, requirements and penalties prescribed and contained in an act entitled "An Act defining the general powers and duties of Turnpike Corporations," and the several acts in addition thereto, in reference to so much of said Turnpike, as is by this act authorized to be made.

[Approved by the Governor, June 16, 1827.]

CHAP. XVIII.

An Act to fix the times of holding the Courts of Common Pleas in Dukes County.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Court of Common Pleas shall be holden at Edgartown, in and for the county of Dukes county, on the third Monday of

May, and on the last Monday of September, annually.

SEC. 2. *Be it further enacted*, That all writs, recognizances, warrants, complaints and every other precept, matter or thing returnable to said Court, in said county, at the times and place now appointed by law; and all parties and persons that have been or may be required or directed to appear and attend at the said terms and place, and all returns, indictments, matters and suits now pending in said Court, in said county, shall be returned to, entered, appear, and attend, have day, be heard, tried and determined, in said Court, at the times and places appointed by this act for holding the same in said county.

Writs, &c. to be returned.

SEC. 3. *Be it further enacted*, That all laws establishing the times of holding the Court of Common Pleas in and for the county of Dukes county, so far as they relate to the times of holding said Court, be, and they are hereby repealed.

Repeal.

[Approved by the Governor, June 16, 1827.]

CHAP. XIX.

An Act in addition to an act, entitled “An Act to prevent fraud in fire-wood, bark, or coal, exposed for sale.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all cord-wood exposed to sale, shall be, either four feet, three feet, or two feet long, including half the carf; and the cord being well and close laid together, shall measure in quantity equal to a cord of eight feet in length, four feet in width, and four feet in height.

Proviso.

SEC. 2. *Be it further enacted*, That the first section of the act to which this is in addition, be, and the same is hereby repealed: *Provided*, that this act shall not affect any penalties or forfeitures already incurred under the act aforesaid.

[Approved by the Governor, June 16, 1827.]

CHAP. XX.

An Act to change the Names of the several persons therein described.

Names changed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the several persons named herein, shall be known and called by the names they are hereby respectively allowed to assume, viz : that John Picket Pierce, of Newburyport, may take the name of John Bounds Pierce ; that Betsey Kerer Currier, of Rowley, may take the name of Eliza Matilda Currier ; that Winthrop Thing, of Boxford, may take the name of Winthrop Varnum ; that George Pike, of Rowley, may take the name of George Washington Pike ; that Austin Kilham, of Beverly, may take the name of Austin Daniel Kilham ; that Peter Lander, 3d. of Salem, may take the name of William P. Lander ; that David Hopkinson, of Bradford, may take the name of David Warren Hopkinson,—all of the County of Essex ;—that Susan Harrington may take the name of Susan Forbush ; that Mary Hall may take the name of Mary Doggett ; that Mary Ann Converse may take the name of Mary Ann Sylveira ; that James Harrison Flinn may take the name of James Flinn Harrison ; that Charles Hatstat may take the

name of Charles Wade ; that George Wright may take the name of George Tyler Wright ; that Elisha Leighton Fogaty may take the name of Elisha Perkins Leighton,—all of Boston, in the County of Suffolk ;—that Joshua Walter Hosley, of Pepperell, may take the name of Samuel Walter Hosley ; that Thomas Emerson, 3d. of South Reading, may take the name of Thomas Rayner Emerson,—all of the County of Middlesex ;—that Charles Heald, of Millbury, may take the name of Charles Hale ; that Caleb Nanscawen, of Oxford, may take the name of Caleb Howe ; that Samuel Reed Puffer, of Westminster, may take the name of Samuel Puffer ; that Joseph Hildreth, Jr. of Bolton, may take the name of Joseph Sullivan Hildreth,—all of the County of Worcester ; that Ivory Colomey, of Dorchester, may take the name of Ivory Boylston ; that Edwards Park, of Stoughton, may take the name of Edwards Amasa Park,—all of the County of Norfolk ;—that James M. Tappan, of Hanover, in the County of Plymouth, may take the name of Morss Tappan ; that William Foote White, of Chesterfield, in the County of Hampshire, may take the name of Sylvanus White, and that Joseph Sylvanus White, of the same Chesterfield, may take the name of William Foote White ; and the several persons herein named shall hereafter be called and known by the name which, by this act, they are respectively allowed to assume.

[Approved by the Governor, June 16, 1827.]

CHAP. XXI.

An Act to Incorporate the Boston and Stoneham Marble Company.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel D. Ward, John S. Wright, Henry A. Ward, John Rogers, Joseph G. Joy, Samuel R. M. Holbrook, and John G. Rogers, with their associates, successors, and assigns, be, and they hereby are made a Corporation, by the name of the "Boston and Stoneham Marble Company," for the purpose of digging, quarrying, and manufacturing marble, in the town of Stoneham, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

May hold real and personal estate.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate, not exceeding in value the sum of fifty thousand dollars, and such personal estate, not exceeding in value the sum of fifty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

First meeting.

SEC. 3. *Be it further enacted*, That any two of the persons named in said act of incorporation, be, and they are hereby authorized to call the first meeting of said Corporation, by giving notice of the time and place of meeting, in some public newspaper printed in the City of Boston, at least seven days before the time of said meeting.

[Approved by the Governor, June 16, 1827.]

CHAP. XXII.

An Act in addition to an act, entitled “An Act to unite the towns of Dighton and Wellington, in the County of Bristol.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the town of Wellington be, and the same is hereby revived, and shall continue to exist one year from the passing of this act, for the purpose of adjusting its corporate concerns, and for no other purpose.

Town of Wellington revived.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Bristol, is hereby authorized to issue his warrant to any freeholder resident within the late Corporation of Wellington, requiring him to warn the inhabitants thereof to meet at the time and place therein appointed, for the purpose of choosing such officers as may be necessary to carry into effect the objects of this act.

Justice of Peace to issue warrant to call meeting.

[Approved by the Governor, June 16, 1827.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JUNE 30, 1827.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Acts, as passed by the Legislature, at their session of May and June, 1827, and that they appear to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH BEGAN ON WEDNESDAY, THE SECOND OF JANUARY, AND ENDED ON THURSDAY, THE THIRTEENTH OF MARCH, ONE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT.

CHAP. XXIII.

An Act authorising an extra term of the Court of Sessions in the County of Barnstable.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be an extra term of the Court of Sessions at Barnstable, in the county of Barnstable, on the last Tuesday of January current, and that the Justices of said Court be, and they are hereby empowered, at said term, to make out a new estimate for a county tax for said county, and to make such orders, and take such measures, as to them may seem proper, respecting the erection of any county building or buildings, and to act upon such other subjects as may then come before them, in consequence of the late destruction by fire of the Public Records and

Time fixed.

Proviso.

County Building of that County, in the same way and manner as they might act thereon at any stated term of said Court: *Provided*, That all other matters within the jurisdiction of said Court, and all matters now pending in said Court, shall be heard, proceeded in and determined, as if this act had not been passed.

[Approved by the Governor, Jan. 16, 1828.]

CHAP. XXIV.

An Act in addition to the several Acts incorporating the President, Directors and Company of the Asiatic Bank.

Capital stock,

when paid in.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the capital stock of the Asiatic Bank be three hundred and fifty thousand dollars, divided into seven thousand shares of fifty dollars each; and that three months from and after the passing of this act, be allowed for the payment into said Bank, of all assessments due on said shares.

SEC. 2. *Be it further enacted*, That all acts, and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, Jan. 28, 1828.]

CHAP. XXV.

An Act to incorporate the Proprietors of Haverhill Academy.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Hiram Plummer, Warner Whittier, Jonathan K. Smith, James H. Duncan, John Dow, William Caldwell, together with such other persons as are, or hereafter may be associated with them, and their successors and assigns, shall be a Corporation by the name of "The Proprietors of Haverhill Academy," and by that name may sue and be sued, plead and be impleaded to final judgment and execution, and may have a common seal, and may purchase and hold any real or personal estate not exceeding thirty thousand dollars in value, inclusive of any buildings and the land attached thereto, for the immediate use of said Academy: *Provided*, the annual income shall not exceed ten thousand dollars, and may, at any legal meeting, make and establish, rules, orders and by-laws, for the well ordering and governing the affairs of said Corporation: *Provided*, the same are not repugnant to the Laws of this Commonwealth; and may annex penalties for the breach of any such rules, orders, or by-laws, provided the same shall not exceed five dollars; and the said Corporation are hereby vested with all the powers necessary for carrying into effect the purposes of this act.

Persons incorporated.

Powers granted.

Proviso.

SEC. 2. *Be it further enacted*, That the property of said Corporation shall be divided into shares, and the proprietors of said shares, at any legal meeting, may, by vote, determine the disposition or appropriation of the property of said Corporation; and may make assessments upon the shares for the use of said Corporation, and the same col-

Property shall be divided into shares.

Shares of delinquents may be sold.

lect in such way and manner as may be agreed upon ; and all votes shall be determined by a majority of the voters present, counting one vote for each share : *Provided*, no one member in his own right shall have more than five votes ; and the shares of any proprietors who shall be delinquent in paying any assessment, may be sold at auction for the payment thereof, by the person appointed to collect the same, giving at least fourteen days notice in some public newspaper printed in Haverhill, or by posting notifications at two or more public places in Haverhill, of the time and place of sale ; and after paying the assessments, and all the necessary incidental charges, the overplus money, if any, arising from the sale, shall be paid to the delinquent proprietor ; and the shares in said Corporation shall be deemed personal estate, and shall be liable to attachment and payment of debts in the same way and manner as is provided for by the "Act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated Companies ;" and the proprietors may establish the manner of transferring the shares in said Corporation.

May appoint officers, &c.

SEC. 3. *Be it further enacted*, That said Corporation may appoint all such necessary officers, and for such term of time, and with such authority as by their by-laws they may establish for the due management of the affairs of the Corporation, and the care and regulation of the school ; and no vote of the proprietors at any meeting shall be deemed valid, unless the subject matter thereof shall be inserted particularly in the notification for calling the meeting.

First meeting.

SEC. 4. *Be it further enacted*, That Moses Wingate, Esquire, be empowered to call the first meeting of said proprietors, by giving at least fourteen days notice in some public newspaper printed in Haverhill.

SEC. 5. *Be it further enacted*, That the Legis-

lature of this Commonwealth shall have power, at any time hereafter, to alter or repeal this act.

[Approved by the Governor, Jan. 23, 1823.]

CHAP. XXVI.

An Act in addition to the several Acts giving further Remedies in Equity.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That when any complaint, bill, or suit in equity, shall be pending in the Supreme Judicial Court in any County in which any decree, order or injunction shall have been made or passed, it shall be lawful for any Justice of said Court, as well in vacation as in term time, to issue all such writs and processés as may be necessary to carry into full effect such decree, order or injunction.

Justice of Court
may issue writs,
&c.

[Approved by the Governor, Jan. 23, 1823.]

CHAP. XXVII.

An Act in addition to an Act, entitled, "An Act to incorporate the Third Congregational Society in Cambridge."

May raise money
on tax.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the owners of a pew or pews in the Meeting House of said Third Congregational Society in Cambridge, together with the original shareholders therein, shall compose and constitute the Corporation created by the Act to which this is in addition, and have all the rights and privileges of membership, and may raise money by a tax on the pews in said meeting house, for the support of public worship therein, and defraying other necessary expenses of said society, until the fifth and sixth sections of said Act of Incorporation shall come into operation by the sale or division of all the pews in said house, in conformity to the fifth section of said Act.*

May exempt
from tax.

SEC. 2. *Be it further enacted, That said Society shall have the power by vote, and on such conditions as they shall think expedient, to exempt from taxes both before and after said fifth and sixth sections shall come into operation as aforesaid, such of the original shareholders in, or subscribers to said meeting house, as may purchase pews therein, or invest their stock in said meeting house in pews, and all pews that shall remain unsold belonging to the shareholders, while and so long as the pews owned by said shareholders or subscribers, shall remain unsold or unoccupied by them.*

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXVIII.

An Act to establish the Wareham Iron Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same* That Jared Pratt, Isaac Pratt, Charles Wilbar, Benjamin Thompson, Newton Willey, Josiah L. James, Benjamin Rodman and Nathan Caswell, together with such other persons as have associated or may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of the Wareham Iron Company, for the purpose of rolling copper, and rolling and slitting iron, and manufacturing bar iron, steel, anchors, nails, machinery and all other modifications of iron, copper, and other metals, in the town of Wareham, and for this purpose shall have all the powers, and privileges, and be subject to all the duties and requirements contained in an Act passed in the year of our Lord, one thousand eight hundred and nine, entitled an Act defining the general powers and duties of Manufacturing Corporations, and in the several Acts passed in addition thereto.

Persons incorporated.

Name.

Powers, &c.

SEC. 2. *Be it further enacted*, That the said Wareham Iron Company in their corporate capacity, may lawfully hold and possess all such real and personal estate, as may be necessary and convenient for carrying on the said manufactures, and the conducting their said business; *Provided* the value of such real estate shall not exceed one hundred and fifty thousand dollars, and the value of such personal estate shall not exceed two hundred thousand dollars.

May hold real and personal estate.

Proviso.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXIX.

An Act in addition to an Act entitled "An Act to incorporate the trustees of the Ministerial Fund in the town of Berkley."

Ministerial
Fund.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an Act, entitled "An Act to incorporate the trustees of the Ministerial Fund in the town of Berkley," passed June the ninth in the year of our Lord, one thousand eight hundred and thirteen, shall be so construed, as to place the said Ministerial Fund within the control, and subject to the management of the Congregational Society in the town of Berkley.*

Trustees account-
able.

SEC. 2. *Be it further enacted, That the Trustees of said fund, and their successors in office, shall be held accountable to the said Congregational Society only, and not to the town.*

SEC. 3. *Be it further enacted, That this Act may be altered, amended, or repealed, at the pleasure of the Legislature.*

[Approved by the Governor, Feb. 1, 1823.]

CHAP. XXX.

An Act altering the Dividing Line between the Towns of Southampton and Easthampton

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the dividing line between the Towns of Southampton and Easthampton be altered as follows, that is to say : Beginning Boundary line. at the northwest corner of Hervey Coleman's land, at a stake and stones in the existing line between said towns, thence on the line between land of said Coleman and the heirs of Solomon Clapp deceased, south sixty-nine degrees east, eighteen rods, thence south forty-eight degrees east, five rods and nineteen links to land of Worcester Avery, thence between the said Avery's and said Coleman's land, south nineteen and one half degrees west, twenty-nine rods to land of Samuel Coleman, thence between said Coleman's and said Avery's land north eighty-nine and one half degrees east, fifty-five rods and eleven links, thence south thirty-five and one half degrees east, twenty-nine rods to the highway, thence on the highway aforesaid south seventy-one degrees west, twenty-nine rods to the northwest corner of Samuel Coleman's home-lot, thence between said Coleman's and Spencer Clapp's land, south nineteen and one half degrees east, thirty-six rods to a pine tree, thence south twenty-three and one half degrees east, to a pile of stones in the present line between said Towns, thence south eighty-three and one half degrees east, fifty-three rods and five links to a stake and stones in the line between said Coleman's land and the heirs of Solomon Clapp, thence south three degrees east, one hundred and seventeen rods and five links to a stake and stones in the present line between said towns.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXI.

An Act in addition to an act entitled "An Act to incorporate certain persons as Trustees of a Fund for the support of a Congregational Gospel Minister in the South Parish in Bridgewater."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Trustees of a fund for supporting a Congregational Gospel Minister in the South Parish in Bridgewater, shall take, and hereafter use and be known by the name of the Trustees of a fund for the support of a Congregational Gospel Minister in the first Parish in Bridgewater, and the said Trustees shall hold and exercise the same powers, and be subject to the same liabilities as they would have held, exercised, and been subject to, had not the name of said Trustees been altered.

Name altered.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXII.

An Act to incorporate the Boston Beer Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Gamaliel Bradford, Nathan Rice, Benjamin Thaxter and Elijah Loring, together with such other persons as are, or may become associates with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Boston Beer Company, for the purpose of manufacturing malt liquors in all their varieties, in the City of Boston, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

Persons incorporated.

Name.

SEC. 2. *Be it further enacted*, That the said Corporation may hold and possess such real estate not exceeding in value the sum of fifty thousand dollars, and such personal estate not exceeding one hundred thousand dollars, as may be found necessary and convenient for carrying on the manufacture of Malt Liquors in the City of Boston.

May hold real and personal estate.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXIII.

An Act to incorporate the Williamstown Manufacturing Company.

Persons incorpo-
rated.

Name.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Noble, Samuel Smith, Daniel N. Dewey, Gershom T. Bulkley, together with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation by the name of the Williamstown Manufacturing Company, for the purpose of Manufacturing Cotton, and Wool, at Williamstown, in the County of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of Manufacturing Corporations," passed March third, in the year of our Lord, one thousand eight hundred and nine, and the several Acts in addition thereto.*

May hold real
and personal
estate.

SEC. 2. *Be it further enacted, That said Corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary for establishing and carrying on the Manufacture of Cotton and Wool at Williamstown aforesaid.*

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXIV.

An Act in addition to an Act, entitled, "An Act to alter the division line between New Salem and Shutesbury."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, in consideration of the territory and population by the Act aforesaid taken from the town of Shutesbury, and annexed to the town of New Salem, the respective valuations of those towns be so varied, that one fourteenth part of the valuation of Shutesbury be taken from that town, and added to the valuation of the town of New Salem, and the respective valuations so varied, shall be observed in all future assessments of State and County taxes, until otherwise ordered by the General Court.*

Valuation altered.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXV.

An Act to incorporate the Neponset Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Oliver Dean, Willard Sales, and Samuel A. Hitchcock, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of Neponset Manufacturing Company, for the purpose of manufacturing Cotton at Wal-*

Persons incorporated.

Name.

Powers granted.

pole, in the County of Norfolk, and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act, entitled "An Act defining the general powers and duties of Manufacturing Corporations," passed March third, in the year of our Lord, one thousand eight hundred and nine, and the several Acts in addition thereto.

May hold real and personal estate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value of forty thousand dollars, and such personal estate, not exceeding the value of sixty thousand dollars, as may be necessary for establishing and carrying on the manufacture of Cotton at Walpole aforesaid.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXVI.

An Act in addition to an Act to incorporate the President, Directors, and Company of the Taunton Bank.

May increase capital stock.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the President, Directors, and Company of the Taunton Bank, be, and hereby are authorized and empowered to increase their present Capital Stock, by an addition of seventy five thousand dollars thereto, in shares of one hundred dollars each, which shall be paid, in such instalments, and at such times, as the President and Directors of said Bank may direct and determine. *Provided however*, that the whole amount shall be paid in, on or before the first day of April, in the year of our Lord, one thousand eight hundred and twenty nine.

SEC. 2. *Be it further enacted*, That the additional Stock aforesaid, shall be subject to the like tax, regulations, restrictions and provisions, as the present Capital Stock of said Corporation is now holden by virtue of the Act to which this is in addition.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXVII.

An Act in addition to "An Act to incorporate the Hamilton Manufacturing Company."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Hamilton Manufacturing Company, in the town of Lowell, may, in addition to their present capital, hold and use as personal estate, for manufacturing purposes, any sum not exceeding four hundred thousand dollars.

May hold personal estate.

[Approved by the Governor, Feb. 1, 1828.]

CHAP. XXXVIII.

An Act authorizing the Selectmen of Williamstown to lay out private ways for the use of persons living on the Gore of land called Trees Grant.

Empowered
to lay out partic-
ular ways, &c.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of the town of Williamstown, in the County of Berkshire, be, and they hereby are authorized and empowered to lay out particular and private ways, for the use of Samuel Comstock, or any other persons living on the Gore of land adjoining the southwesterly part of said Town, called Trees Grant, in the same way and manner that they are authorized and empowered to lay out particular and private ways for the use of individuals living in said town of Williamstown, or proprietors therein.*

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XXXIX.

An Act to regulate the transportation of Gunpowder within and through the towns of Cambridge and Medford, in the County of Middlesex.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of March next, whenever any quantity of Gunpowder, exceeding one hundred pounds, shall be transported by land into, or through either of the towns of Cambridge and Medford, in the Coun-*

ty of Middlesex, the same shall be enclosed in tight casks, boxes or canisters, that shall prevent the escape of any particle of their contents; and shall be conveyed in carriages or vehicles, closely and entirely covered with leather, or painted canvass; and the bottom and sides thereof wholly covered with some soft substance, which shall prevent any dangerous friction; and no load of Gunpowder shall be approached or followed by another load of Gunpowder belonging to the same concern, within fifty yards, or stop within forty rods of any dwelling house, in either of the towns aforesaid, longer than ten minutes.

How conveyed.

SEC. 2. *Be it further enacted*, That no quantity of Gunpowder exceeding one hundred pounds, shall, at any time or place, in either of said towns, be landed from any vessel or boat, or unloaded from any waggon or other vehicle, until application, for that purpose, has been made to one or more of the Firewards of said towns respectively, in which said Gunpowder may be; and under, and according to his or their order and direction, and not otherwise, it may be landed, or unloaded, or transported to its place of destination: *Provided*, that none of the provisions of this act, shall extend to, or in any way affect, the landing or unloading Gunpowder from any vessel, boat, waggon, or other vehicle, upon or from the wharf near the Massachusetts Magazine in said town of Cambridge, and *Provided also*, that when Charles River, above Canal Bridge, shall be so obstructed by ice, as to render the delivery from the wharf aforesaid impracticable, then, and while Charles River shall be obstructed as aforesaid, Gunpowder may be unloaded upon, and delivered from the pier by the draw in the Bridge extending from Prison point in Charlestown, to Canal Bridge, to be unloaded and delivered from said pier, as near full tide as possible, and with all possible expedition.

How landed
from a vessel,
&c.

Proviso.

SEC. 3. *Be it further enacted*, That if any person or persons, in transporting Gunpowder into, or through either of the said towns, shall violate any

Penalty.

of the provisions of this act, he, or they, shall forfeit and pay, for each offence, a sum not less than ten, nor more than one hundred dollars, to the use of the town in which the offence may be committed, to be recovered in an action of debt, in any Court proper to try the same.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XL.

An Act to establish a fund for the support of the Congregational Ministry in the North Congregational Society in the East Parish in the town of Barnstable.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Abner Davis, David Crocker, John Munroe, John Easterbrooks, and Asa Young, be and hereby are constituted a body politic and corporate, by the name of the Trustees of the Barnstable Congregational Ministerial Fund, and that they and their successors shall continue a body politic and corporate forever, and by the same name may sue and be sued, in all actions, and may prosecute the same to final judgment and execution.

May choose Trustees.

SEC. 2. *Be it further enacted,* That the said society, at their annual meeting in March or April, may choose five Trustees, who shall be successors to those named in this Act, and they and their successors shall hold their offices until others shall be chosen, and have accepted the trust by entering upon the duties of their office, and that said society may also, at any legal meeting holden for that purpose, choose a Trustee or Trustees, to supply any vacancy that may happen.

SEC. 3. *Be it further enacted*, That any gift, grant, bequest or devise, which may hereafter be made to said Trustees, shall be valid and effectual to all intents and purposes whatever; and they and their successors, as aforesaid, are hereby empowered by purchase or operation of law, to take, have, hold, use, improve and manage any estate real or personal, the annual income of which, shall not exceed the sum of one thousand dollars, in trust and for the support and maintenance of the Congregational Ministry in said Society; and during any vacancy in said Society, of a regular ordained and settled minister, they shall appropriate such income or interest to the increase of their principal fund, any thing herein to the contrary notwithstanding.

May hold real estate.

SEC. 4. *Be it further enacted*, That said Trustees may assemble and meet together as often as they shall think necessary for the promotion of their trust, any three of whom shall constitute a Board for doing business: but the concurrence of three at least shall be requisite to every Act and proceeding whatever. They may determine the manner of calling meetings; may appoint a Clerk, Treasurer, an Agent or Agents, and other needful officers, and may make reasonable rules, regulations, and by-laws, and annex penalties for the breach thereof, not repugnant to the constitution and laws of this Commonwealth: may have a common seal, and change the same at their pleasure; may alienate by good and sufficient deed or deeds any of the parsonage lands, belonging to said parish, which said Society may, at a legal meeting holden for that purpose, from time to time direct; and they may also alienate by good and sufficient deeds at law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

Powers of Trustees.

SEC. 5. *Be it further enacted*, That the Clerk of said Corporation, who shall be a member thereof, and shall be sworn in the same manner as town officers are, shall have the care and custody of all papers and documents belonging to said Trustees, and shall fairly and carefully record all their votes and

Duties of the Clerk.

proceedings in a book kept for that purpose, and shall certify the same when thereto required : and he may call meetings when directed by said Trustees, and do whatever else may be incident to said office, and he shall on demand deliver to his successor in office, as soon as may be, all the papers, records, and documents in his hands, in good order and condition, and if he shall neglect so to do for thirty days next after such demand, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Duties of the
Treasurer.

SEC. 6. *Be it further enacted*, That the Treasurer of said Trustees shall be the receiver of all money and effects due, owing, and coming to them, and may demand, sue for and recover the same in their name, and he shall have the care and custody of all the monies and effects, obligations and securities, for the payment of money or other things, and all evidences of property belonging to said Trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidence of property, in his hands, whenever they shall require the same to be done, and he shall deliver to his successor in office, as soon as may be after demand, all the books, papers, property and evidence of property in his hands, in good order and condition, and give bond to said Trustees and their successors with sufficient sureties, to be approved by them in the penal sum of three thousand dollars at least, conditioned to do and perform all the duties incumbent on him as their Treasurer ; and if he shall fail to deliver to his successor as aforesaid, for the space of thirty days next after such demand, or to give bond as aforesaid, for thirty days next after such Treasurer shall be duly chosen, and have accepted the office, he shall for either neglect forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month, for such failure or neglect afterwards.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Trustees to use and improve such funds or estate, as shall be vested in them by virtue of this Act, with care and vigilance, so as best to promote the design thereof, and they shall be amenable to the said Society, for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss; and the Treasurer of said Society may have and maintain a special action on the case against the proper persons of said Trustees and their goods and estate, jointly or severally, or against any two or more of them, for such negligence or misconduct, and recover adequate damages therefor, and every sum so recovered, shall be deemed to be for the benefit of said fund, and shall be paid to the Treasurer of said Trustees, who may have an action of debt therefor accordingly.

Duties of the Trustees.

SEC. 8. *Be it further enacted*, That the said Trustees shall cause to be recorded, and kept in their book of records, by their Clerk, a statement of the funds and estate in their hands, wherein shall be particularly designated the nature and amount of each original grant or donation, the period when made, the design thereof, and the donor's or grantor's name, and place of abode, with such other circumstances as they shall think useful and proper to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statement to said Congregational Society, at their meeting in March or April annually, where the same shall be publicly read, or to a select Committee, if said Society shall choose one for that purpose, together with a specific statement of what estate they actually hold, and by what tenure, what money and effects are due to them, and how the same are secured, and what receipts have been obtained, and disbursements made by them the preceding year.

Trustees to keep records, make annual reports, &c.

SEC. 9. *Be it further enacted*, That said Trustees shall always loan upon interest all the money belonging to said fund, in sums, not less than one hundred dollars, and for a term not exceeding five

Trustees shall loan money.

years, upon the bond or note of the borrower, with approved guarantees, and interest annually, or invest the monies belonging to said fund in such public securities as shall to them appear most advisable.

Fund not to be alienated.

SEC. 10. *Be it further enacted*, That it shall never be in the power of said Trustees, or said Congregational Society, to alienate any part of the capital fund thereof, but the interest or income, if the Society, at a legal meeting holden for that purpose, so direct, may be applied for the support of a regular ordained Gospel Minister, and for no other purpose whatever, until the interest or income of said fund shall amount to six hundred dollars per annum, after which time, the surplus income over and above that sum, may be applied for other parochial purposes, if said Society, at a legal meeting holden for that purpose, so direct.

Trustees to receive pay.

SEC. 11. *Be it further enacted*, That said Trustees shall be entitled to receive a reasonable compensation for their services in managing and taking care of said funds and estate, to be paid by said Congregational Society; but no part of said funds or estate, or of the income thereof, shall ever be appropriated for that purpose.

Fines.

SEC. 12. *Be it further enacted*, That all fines and forfeitures incurred for any breach of this Act, shall and may be recovered, in an action of debt, by the Treasurer of said Congregational Society, if he shall sue for the same within one year after the same shall be incurred, to the use and benefit of said fund.

First meeting.

SEC. 13. *Be it further enacted*, That Abner Davis, Esq. is hereby authorized, and directed, to appoint the time and place for holding the first meeting of said Trustees, and to warn such meeting accordingly.

SEC. 14. *Be it further enacted*, That this Act may be altered, amended, or repealed at the pleasure of the Legislature.

[Approved by the Governor, Feb. 4, 1823.]

CHAP. XLI.

An Act in addition to the several acts establishing and continuing the Boston Marine Insurance Company.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no person shall hereafter be ineligible as a Director of the Boston Marine Insurance Company by reason of his being a Director in any other Company carrying on the business of Marine Insurance, any thing in the acts to which this is in addition to the contrary notwithstanding.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XLII.

An Act in addition to "An Act to incorporate the President, Directors, and Company of the Merchants Bank of New Bedford."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the Merchants Bank of New Bedford be, and they hereby are, authorized to increase their present Capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such installments, and at such times, and shall be so disposed of, as a majority of the Stockholders of said Bank, at any legal meeting, may

May increase
Capital stock.

Proviso.

direct and determine : *Provided however*, that the whole amount thereof shall be paid in within one year from the passing of this act.

Stock subject to tax.

SEC. 2. *Be it further enacted*, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, as the present Capital stock of said Corporation is now holden by virtue of the act to which this is in addition.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XLIII.

An Act to incorporate the Middlesex Union Factory Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John W. Trull, Isaac Danforth, and Oliver Eldridge, together with such others as now are, or may hereafter be associated with them, their successors or assigns, be, and they hereby are, made a Corporation, by the name of the Middlesex Union Factory Company, for the purpose of manufacturing Cotton and Woollen Goods in the town of Hopkinton ; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said "Middlesex Union Factory Company" may lawfully hold and possess such real estate, not exceeding

the value of fifteen thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

May hold real and personal estate.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XLIV.

An Act in addition to "An Act to incorporate the Mutual Fire Assurance Company of Springfield and the vicinity."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Mutual Fire Assurance Company of Springfield, and the vicinity, be, and they are hereby authorized to insure any dwelling house, or other building, in the Counties of Hampshire and Franklin, according to the provisions made in the Act to which this is in addition.

May insure in Hampshire and Franklin Counties.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XLV.

An Act to incorporate the Appleton Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas H. Perkins, Ebenezer Francis, and Samuel Appleton, with such as already have, or hereafter may associate

Persons incorporated.

Name.

with them, their successors or assigns, be; and they hereby are made a Corporation, by the name of the Appleton Company, for the purpose of manufacturing Cotton and Woollen goods, in the town of Lowell; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and in the several acts in addition thereto.

May hold real estate.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall not exceed the sum of one million of dollars; and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings and improvements that may be made thereon by the said Corporation.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XLVI.

An Act to incorporate the Proprietors of the Meeting House of the Congregational Society in Salisbury and Amesbury.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Horton, Joshua Aubin, John Blaisdel, Junior, James Homer, and all other persons who now are, or may hereafter become proprietors of the Meeting House of the Congregational Society in Salisbury and Amesbury, their successors and assigns, be, and they hereby

are, constituted a body corporate and politic, by the name of the Proprietors of the Meeting House of the Congregational Society in Salisbury and Amesbury; and by that name may sue and be sued, plead and be impleaded, have and use a common seal, and possess and enjoy all the privileges, powers, and immunities, to which similar Corporations are, by the Constitution and laws of this Commonwealth entitled; and shall have authority to take, hold, and possess, by gift, grant, devise or otherwise, any real estate, including their Meeting House, and their land under and adjoining the same, to the amount of ten thousand dollars; and shall have authority to choose, by ballot, in the month of March or April annually, a Treasurer, Collector, Clerk, Assessors, and such other officers, and make such by-laws and regulations as shall seem to them expedient for the management of their concerns: *Provided*, such by-laws and regulations shall not be repugnant to the Constitution and Laws of this Commonwealth.

Name.

Powers granted.

Proviso.

SEC. 2. *Be it further enacted*, That the Corporation aforesaid shall have full power and authority to sell, dispose of, and convey for years, for life, or in fee, all, or any portion of their real estate.

May convey real estate.

SEC. 3. *Be it further enacted*, That all taxes or assessments, to which the property and estate of the Salisbury Manufacturing Company, and the Amesbury Flannel Manufacturing Company, are by law liable, for the support of public worship in Salisbury and Amesbury, shall be laid and assessed by, and payable to the "Congregational Society of Salisbury and Amesbury," or its proper officers, for the support of public worship in the Meeting House of said Society: *Provided however*, that the said Manufacturing Companies shall have the right to pay over to the old parishes in Salisbury and Amesbury, such part of the taxes, so assessed, as they may think fit, not exceeding one half thereof.

Salisbury and Amesbury Man. Co. liable to be taxed.

Proviso.

SEC. 4. *Be it further enacted*, That the said Proprietors, at their first meeting, and at their annual meetings afterwards, may vote, and raise such sum

Proprietors may tax pews.

or sums of money, as may be necessary for the purpose of repairing, altering, enlarging, or improving their Meeting House, and lands adjoining, which sum or sums, shall be assessed on said proprietors according to a valuation of their pews in said Meeting House, which valuation shall be made by the Assessors, when, and as often as the Corporation shall by vote determine. And any person purchasing a pew or pews in said Meeting House, shall be a proprietor, and be entitled to as many votes as he owns pews; and provided a pew is owned by two or more persons, they shall jointly be entitled to one vote; and the said pews or parts of pews shall be holden for payment of all assessments, and any proprietor neglecting or refusing to pay the same for three months after it shall become due, the Collector may sell the same at public auction, by posting notices of such sale at the said Meeting House, seven days at least before the day of sale, and notifying the proprietor, in writing, at least two days before the time of sale, and the overplus arising from the sale, if any there be, after paying the expenses, shall [be] paid to the said proprietor.

Penalty for neglect.

Deeds shall be signed, &c.

SEC. 5. *Be it further enacted*, That all deeds of pews, or other property, shall be signed by the Assessors, and attested by the Clerk, and by him shall be recorded in a book, to be kept for that purpose, which record shall be valid in law, and equivalent to its being recorded in the Registry for the County.

First meeting.

SEC. 6. *Be it further enacted*, That the first meeting of the said Corporation may be called by a warrant from any Justice of the Peace within and for the County of Essex, directed to either of the proprietors, who shall have power to warn the same. And all subsequent meetings shall be called in the same manner as is by law provided for the calling of Parish Meetings.

[Approved by the Governor, Feb. 4, 1828.]

CHAP. XLVII.

An Act to incorporate the Lowell Manufacturing Company,

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Frederick Cabot, William Whitney, and Richard C. Cabot, with such others as already are, or hereafter may be associated with them, their successors and assigns, be, and hereby are made a Corporation, by the name of the Lowell Manufacturing Company, for the purpose of manufacturing woollen and cotton goods in the town of Lowell, and shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an Act passed in the year of our Lord, one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and also the several Acts in addition thereto.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the Capital Stock of said Corporation shall not exceed five hundred thousand dollars, and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings and improvements that may be made thereon.

May hold real estate.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. XLVIII.

An Act to incorporate the Douglas Manufacturing Company.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Dorr, Samuel Lovett, George Howe, Samuel F. Dorr, and such others, as are now, or may be hereafter associated with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Douglas Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Douglas, and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an Act passed the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several Acts in addition thereto.

May hold real
and personal
estate.

SEC. 2. *Be it further enacted,* That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and of such personal estate, not exceeding seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton and woollen goods in the town of Douglas aforesaid.

SEC. 3. *Be it further enacted,* That this Act may be amended or repealed at any time hereafter, at the pleasure of the Legislature.

[Approved by the Governor, Feb. 3, 1828.]

CHAP. XLIX.

An Act to incorporate the Institution for Savings in Haverhill and its vicinity.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Charles White, Leonard White, Nathaniel Hills, Warner Whittier, John Dow, Ezra C. Ames, Gilman Parker, Benjamin Greenleaf, Benjamin Parker, Isaac R. Howe, William Merrill, Thomas Harding, Jesse Harding, William Greenough, David Marsh, Jun. Phineas Carleton, Eliphalet Kimball, Thomas Newcomb, Moses Wingate, and James H. Duncan, and such others as may be duly elected, and their successors, be, and they are hereby incorporated into a body politic, by the name of the Institution for Savings in Haverhill and its vicinity. Persons incorporated. Name.

SEC. 2. *Be it further enacted,* That the said Corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and of using and improving the same, for the purposes, and according to the directions herein mentioned and provided. May receive deposits of money.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said Institution, shall be used and improved to the best advantage, and may be invested in such manner as best to promote the objects of the Institution, and the same Institution may by its Treasurer subscribe to the capital stock of any Bank already incorporated, or that may hereafter be incorporated within this Commonwealth; and the net income or profit of said deposits shall be by said Institution applied and divided among the persons making the said deposits, their executors, administrators, or assigns, in just proportion; and the principal of such deposits may be withdrawn Depositors to receive the profits.

at such reasonable times, and in such manner, as the said Institution shall direct and appoint.

May choose
members.

SEC. 4. *Be it further enacted*, That the said Corporation shall, at their first meeting, and at their annual meeting in January, have power to elect by ballot any other person or persons as members of said Society.

May have a com-
mon seal.

SEC. 5. *Be it further enacted*, That the said Corporation may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances, grants, covenants, and agreements, made by their Treasurer, or any other person, by their authority and direction, shall be good and valid, and the said Corporation shall at all times have power to sue, and be sued, and may defend, and shall be held to answer by the name aforesaid.

May appoint offi-
cers, &c.

SEC. 6. *Be it further enacted*, That the said Corporation shall hereafter meet at Haverhill, at such time in the month of January annually, and at such other times as the Corporation, or the President thereof may direct, and any seven members of said Corporation, the President, a Vice President, Treasurer, or Secretary, being one, shall be a quorum, and the said Corporation, at their first meeting, and at their meetings in January annually, shall have power to elect by ballot a President, and all such other officers, as to them shall appear necessary, which officers so chosen, shall continue in office one year, and until others are chosen in their stead; and the Treasurer and Secretary so chosen, shall be sworn to the faithful performance of the duties of their respective offices.

SEC. 7. *Be it further enacted*, That the officers and agents of said Institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature, to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them concerning the same under oath, and the said Corporation is hereby vested with the power of making by-laws for the more orderly managing the business of the Corporation,

Provided, the same are not repugnant to the Constitution or laws of this Commonwealth, and the Legislature may at any time make such further regulations for the government of said Institution as they may deem expedient, and may at any time hereafter alter, amend, or repeal this Act.

SEC. 3. *Be it further enacted*, That either of the persons named in the first section of this Act, is authorized, by public notice in the newspaper printed in Haverhill, to call the first meeting of said Corporation, at such time and place as he may judge proper.

First meeting.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. L.

An Act to incorporate the Worcester County Institution for Savings.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Daniel Waldo, Solomon Strong, Frederick W. Paine, Samuel B. Thomas, Pliny Merrick, Benjamin Butman, Andrew H. Ward, Stephen Salisbury, Jun. Seth Hastings, Samuel Jennison, Silas Brooks, David Brigham, William Stedman, Stephen Goddard, Calvin Willard, Simeon Sanderson, Oliver Fiske, Jesse Bliss, Benjamin Adams, Charles Allen, William S. Hastings, George Wall, James Draper, John W. Lincoln, Isaac Goodwin, John M. Earle, and Emory Washburn, and such others as may be duly elected, and their successors, be, and they hereby are incorporated into a body politic, by the name of the Worcester County Institution for Savings.

Persons incorporated.

Name.

SEC. 2. *Be it further enacted*, That the said Corporation shall be capable of receiving from any

May receive
deposits.

person or persons, disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

Deposits to be
improved.

SEC. 3. *Be it further enacted*, That all deposits of money received by the said Institution, shall be by them used and improved to the best advantage; and the income or profit thereof shall be by them applied and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportions, with reasonable deductions; and the principal of such deposits may be withdrawn at such times, and in such manner, as the said Institution shall direct and appoint.

May elect other
members.

SEC. 4. *Be it further enacted*, That the Corporation shall, at any legal meeting, have power to elect, by ballot, any other person or persons as members of the said Institution.

Powers, &c.

SEC. 5. *Be it further enacted*, That the said Institution shall have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements, made by their Treasurer, or by any other person by their authority and direction, shall be good and valid; and the said Corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style and title aforesaid.

Annual meeting.

SEC. 6. *Be it further enacted*, That the said Institution shall hereafter meet at Worcester, some time during the regular term of the sitting of the Supreme Judicial Court for the County of Worcester, in the spring of each year, and as much oftener as they may judge expedient; and any five members of the said Corporation (the President, Secretary, or Treasurer being one) shall be a quorum; and the said Corporation, at their annual meeting, shall have power to elect a President, and all such other officers as to them may appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their stead; and all of-

cers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

SEC. 7. *Be it further enacted*, That the officers and agents of the said Institution, shall lay a statement of the affairs thereof, before any persons appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them concerning the same, under oath; and the said Corporation may make by-laws for the more orderly management of their business, provided that the same be not repugnant to the Constitution and laws of this Commonwealth; and the Legislature may, at any time, make such further regulations for the government of said Institution as they may deem expedient; and may, at any time hereafter, alter, amend, or repeal this act.

Duties of officers
and agents.

SEC. 8. *Be it further enacted*, That either of the persons named in the first section of this act, may, by public notification in either of the Worcester newspapers, call the first meeting of said Corporation, at such time and place as he shall judge proper.

First meeting.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. LI.

An Act to incorporate the West Newbury Mutual Fire Insurance Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Thomas Hills, Eliphalet Emery, Samuel Tenny, Edmund Hills, Edmund Worth, Enoch Noyes, Jr. John Follansbee, Amos Bricket, Paul Bayley, Dudley Heath, Daniel Bay-

Persons incorpo-
rated.

Name.

ley, Jun. Dean Robinson, Enoch Thurlow, Moses Noyes, Josiah Parker, and their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the West Newbury Mutual Fire Insurance Company, with powers and privileges incident to such Corporations, for the term of twenty-eight years.

May insure buildings, &c.

SEC. 2. *Be it further enacted*, That when the sums subscribed to be insured, shall amount to fifty thousand dollars, said Corporation may insure, for the term of one to seven years, any buildings, goods, or furniture, to any amount not exceeding three quarters of the value of the property insured.

Powers, &c.

SEC. 3. *Be it further enacted*, That said Corporation may choose such officers, and establish such by-laws as they may deem necessary, not repugnant to the Constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

Funds to be vested in stocks, or loaned.

SEC. 4. *Be it further enacted*, That the funds of said Corporation shall be vested in stocks, or loaned on such security as the Directors may order, and shall be appropriated, first to pay the expenses of the Corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the Corporation, exceeding the amount of their existing funds, the Directors shall, without delay, assess such sum as may be necessary, on the members, in proportion to the amount of their premium and deposits for seven years; but not to exceed treble the amount of such premiums and deposits.

1923, 643.1
 Sect 5.1
 Private property of Directors liable.
 (See 37)

SEC. 5. *Be it further enacted*, That whenever any member shall recover judgment against said Corporation, he may levy his execution on their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the Directors: *Provided*, they first refuse, or neglect, for the space of sixty days, to satisfy the execution after formal demand be made on them for that purpose; and any Director, whose

property may be thus taken, may sustain an action of the case against the Corporation, to recover full and adequate damages therefor.

SEC. 6. *Be it further enacted*, That each policy of insurance shall, of itself, without any other ceremony, create a lien on any building insured, and on the land under it; and this provision shall not prevent the taking other collateral security.

Policy to be a lien on estate.

SEC. 7. *Be it further enacted*, That, in case it shall become necessary to resort to the lien on the property insured, the Treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of nonpayment, the Corporation may sustain an action for any sum due, either on the deposit-note, or by assessment; and their execution may be levied on the insured premises; and the officer making the levy, may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution; and the owner shall have a right to redeem the estate, by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Treasurer shall demand payment, &c.

SEC. 8. *Be it further enacted*, That all and every person and persons, who shall at any time be interested in said Company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer; and shall at all times be concluded and bound by the provisions of this act.

Persons insuring to be members.

SEC. 9. *Be it further enacted*, That this Corporation shall be liable to be taxed by any general law of this Commonwealth, taxing others similar institutions; and any member named in this act may call the first meeting, by advertising the same in the newspaper printed in Newburyport.

First Meeting.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. LII.

An Act concerning the boundary line between the towns of Monson and Palmer.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the boundary line between the towns of Monson and Palmer, in the County of Hampden, from a point near the public house of John Sedgwick, in said Palmer, westerly, to the line of the town of Wilbraham in said County, shall be as follows, viz: Beginning at the centre of Chickopee River at the lower side of Scott's Bridge, so called, near said Sedgwick's house, thence running south forty degrees west, eleven rods and twelve links to a pile of stones on the south side of the road leading to Wilbraham, thence running on the south side of said road to the first Massachusetts turnpike, thence on the south side of said turnpike road to Wilbraham line, Monson to bound northerly on said described line, and Palmer southerly thereon.

Boundary line.

[Approved by the Governor, Feb. 8, 1823.]

CHAP. LIII.

An Act to incorporate the Boston Chemical Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Clark, David Osgood, and William Ingalls, and all such persons as may hereafter associate with them, their successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Boston Chemical Company, for the purpose of making Mineral Acids and other Chemical preparations, and for pulverising bark and other drugs in the City of Boston, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requisitions contained in an Act passed on the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several Acts in addition thereto.

Persons incorporated.

Name.

SEC. 2. *Be it further enacted,* That the capital stock of said Corporation shall not exceed forty thousand dollars, and that they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of ten thousand dollars, exclusive of buildings, and improvements, which may be made thereon.

May hold real estate.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. LIV.

An Act to incorporate the Dartmouth Bridge Company.

Persons incor-
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Howland, Caleb Anthony, Gilbert Howland, Joseph A. Bailey, Richard Sanford, Clark Ricketson, and Luther Kirby, together with such other persons as now are associated or may be hereafter associated with them, be, and they are hereby made and constituted a Corporation and body politic, by the name of the Dartmouth Bridge Company, and by that name may sue and be sued to final judgment and execution, and do and suffer all matters and things which bodies politic may or ought to do and suffer, and that said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.

May have a com-
mon seal.

Meeting of the
Proprietors.

Provide.

May make by-
laws, &c.

SEC. 2. *Be it further enacted*, That the said Nathaniel Howland, may by posting up notifications at some public places in the town of Dartmouth, warn and call a meeting of the proprietors, to be holden at any suitable time and place in said town, after ten days from the posting up of said notifications; and the proprietors, by a vote of the majority of those present, or duly represented at said meeting, allowing one vote to and for each share, *provided*, that no proprietor shall be allowed more than ten votes, shall choose a Clerk, who shall be sworn or affirmed to the faithful discharge of the duties of his office, and shall also determine the mode of calling future meetings, and may elect such officers, and make and establish such rules and by-laws not repugnant to the Laws and Constitution of this Commonwealth, as to them may seem necessary and convenient for the regulation and government of the said Corporation, and for collecting the toll herein

after granted, and may annex penalties to the breach of any by-laws, not exceeding ten dollars for any one offence; and all rules, regulations, and proceedings of said Corporation, shall be fairly and truly recorded by the Clerk, in a book kept for that purpose.

Duties of the Clerk.

SEC. 3. *Be it further enacted*, That the said proprietors be and they are hereby authorized and empowered to erect a Bridge over Aponagansett River, in the town of Dartmouth, building it with solid earth or stone, on a bar from the western side of said river, to the end or nearly to the end of said bar, thence by piers to the most convenient point on the Eastern shore, with a convenient draw at least thirty feet wide, for the passing of vessels; and the said proprietors shall constantly keep some suitable person or persons at said bridge, who shall raise said draw for any vessel that may be passing up or down said river, free of expense to the owner thereof, and if the person whose duty it shall be to raise the draw for the passage of vessels, shall unreasonably neglect or refuse to do the same, the proprietors of said Bridge shall, for every such neglect or refusal, be liable to a fine of ten dollars, for the benefit of the person or persons damaged by such delay, to be recovered in any Court of competent jurisdiction to try the same.

May build a Bridge.

Penalty.

SEC. 4. *Be it further enacted*, That a toll be, and hereby is granted and established for the sole benefit of said proprietors, according to the rates following, to wit: for each foot passenger, four cents; for each horse and rider, eight cents; for each horse and waggon, ten cents; for each horse and chaise, chair, sulky, or sleigh, sixteen cents; for each coach, chariot, or phaeton, twenty-five cents; for each cart, sled, or other carriage of burthen drawn by more than one beast, twenty cents; for each horse without a rider, and for neat cattle, four cents each; for sheep and swine, one cent each; and one person and no more, shall be allowed to each team as a driver, to pass free of toll, and the toll shall commence on the day of first opening

Rates of toll.

Proviso.

May alter tolls.

Proviso

the said bridge, and shall continue seventy years, and at the place where the toll shall be received, there shall be erected and constantly exposed to view, a sign board, with the rates of toll fairly and legibly written or painted thereon in large letters : *Provided*, nevertheless, that the Legislature shall have a right, at any time after the expiration of fifteen years, to alter and regulate anew the rates of toll to be received by said proprietors : *Provided*, also, that when the receipts of toll, or income of the said Bridge shall have amounted to a sum sufficient to defray the expense of building, repairing, and sustaining the same, and paying the interest of nine per cent. on the first cost, the said Bridge shall revert to the Commonwealth, or when the inhabitants of the town of Dartmouth shall remunerate the said proprietors for the expense of said Bridge, with nine per cent. interest thereon, (deducting what may have been received by tolls,) said Bridge shall be opened free of toll, any thing in this Act to the contrary notwithstanding.

Bridge to be kept
in good repair.

SEC. 5. *Be it further enacted*, That the said Bridge shall be well built of suitable materials, that it shall be at least twenty two feet wide, with sufficient rails on each side, and the said bridge shall be kept in good repair at all times ; and the said Corporation shall, within six months from the time they shall commence receiving toll at the said Bridge, lodge in the Secretary's office, an account of the expenses of erecting the same, and they shall annually in the month of January, exhibit to the Governor and Council a true account of the income or dividends arising from said toll, with their necessary annual disbursements on said Bridge. And the books of said Corporation shall at all times be subject to the inspection of the Governor and Council, and to the Legislature when called for.

SEC. 6. *Be it further enacted*, That if said proprietors shall neglect for the space of six years from the passing of this Act, to build and erect said Bridge, then this Act is to be void, and of no effect.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. LV.

An Act to incorporate the Pawtucket Congregational Society.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* Elijah Ingraham, Dan Robinson, Ira Draper, A. A. Tillinghast, Squire French, Carlos Barrows, Otis French, James C. Starkweather, Larned Pitcher, Edward Walcutt, John Burbank, Joseph Spalding, Remember Carpenter, Elias Ingraham, William Sweet, and all other persons, who now are, or hereafter may be associated with them, their successors and assigns, shall be, and are hereby created and established as a religious society and body corporate, and politic, by the name of the Pawtucket Congregational Society; and by that name may sue and be sued, plead and be impleaded, and possess and enjoy all the privileges, powers, and immunities, to which Parishes, and other Religious Societies are, by the Constitution and laws of this Commonwealth, entitled; and shall have authority to take, hold, and possess, by gift, grant, devise, or otherwise, any real or personal estate, for the purpose of supporting public worship according to the Congregational order, by said Society, and other religious, parochial, and charitable purposes, not exceeding the annual income of one thousand dollars; and shall also have authority to choose and appoint all such officers, and make all such by-laws and regulations, as may seem to them expedient, or convenient, for the due government of said Society, and the management of their funds and other parochial concerns: *Provided*, such by-laws and regulations shall be in no wise contrary to the Constitution and laws of this Commonwealth; and all meetings of said Society shall be called and warned in such manner as the by-laws thereof shall direct.

Persons incorporated.

Name.

May hold real and personal estate.

Proviso.

Power granted.

SEC. 2. *Be it further enacted*, That the said Society shall have full power to receive and hold the donation made by the late Eliphalet Starke, for the support of a Congregational Minister in said Pawtucket, and to apply the income thereof conformably to the intention of said Starke, as expressed in his will, provided the Trustees named in said will agree thereto.

Duties of the Trustees.

SEC. 3. *Be it further enacted*, That the said Society shall appoint seven suitable persons, being members of said Society, as Trustees, who shall have the management of the funds and other property of the said Society; and all vacancies in the board of Trustees, occasioned by death, resignation, secession from the Society, or otherwise, shall be filled by the said Society, at a meeting duly called for that purpose; and any member or members of said Society withdrawing or seceding therefrom, shall have no right or claim whatever to any part or portion of any funds belonging to said Society.

Deeds to be recorded by the Clerk.

SEC. 4. *Be it further enacted*, That it shall, and may be lawful for all deeds hereafter to be given on the sale of any interest in a Meeting House, which may be erected for the use of said Society, to be recorded by the Clerk of said Society, in a book to be especially provided for that purpose; and all deeds legally executed and recorded as aforesaid, shall be deemed sufficient in law, any law or usage to the contrary notwithstanding.

First meeting.

SEC. 5. *Be it further enacted*, That Elijah Ingraham, and Dan Robinson, or either of them, be, and they are hereby authorized to call the first meeting of said Society, by notifying the time, place, and objects of said meeting, in a newspaper printed in the village of Pawtucket, in Rhode Island, one week at least before the time of said meeting, at which meeting the said Society may choose its officers, and organize itself.

SEC. 6. *Be it further enacted*, That the Legislature shall, at all times hereafter, have the right to alter, amend, or repeal this act.

[Approved by the Governor, Feb. 8, 1828.]

CHAP. LVI.

An Act to incorporate the President, Directors, and Company of the Atlantic Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Read, Thomas Searle, and John Pickens, their associates, successors, and assigns, shall be, and hereby are, created a Corporation, by the name of the President, Directors, and Company of the Atlantic Bank, and shall so continue, from the passage of this act, till the first Monday in October which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act entitled "An Act to incorporate the President, Directors, and Company of the State Bank," (except in so far as the same are modified or altered by this act) as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *Provided however,* that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

SEC. 2. *And be it further enacted,* That the capital stock of said Corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in the manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in as follows, that is to say, fifty per centum thereof on or before the first day of July next, and the residue within one year from the passing of this act. And no dividend shall be declared on the capital stock of said Bank, until the capital stock shall have been paid in, con-

Persons incor-
porated.

Name.

Proviso.

Capital stock,

when paid in.

May hold real
estate.

PROVISO.

formably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered on the books of said Corporation, shall be binding on the stockholders, their successors, and assigns, until they shall otherwise determine. And the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said Corporation, and signed by the President or two of the Directors; and to loan and negotiate their monies and effects, by discounting, on banking principles, on such security as they may think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said Corporation; and provided further, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, till the capital stock subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to one hundred and twenty-five thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose; whose duty it shall be, at the expense of said Corporation, to examine the monies actually existing in said vaults, and ascertain, by the oath of the Directors of said Bank, or a majority of them, that said capital stock has been bona-fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Go-

vernor. And no stockholder shall be allowed to borrow any money at said Bank, until he shall have paid in his full proportion of the said capital, as herein before provided and required.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in Boston.

SEC. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided*, however, that the Commonwealth shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of their capital stock then paid in.

Corporation
shall loan to the
Commonwealth.

SEC. 5. *Be it further enacted*, That the persons herein before named, are authorized to call a meeting of the members and stockholders of said Corporation, as soon as may be, and at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said Corporation, as the stockholders shall deem necessary ; and for the choice of the first Board of Directors, and of such other officers as they shall see fit to choose, provided such by-laws and regulations be not repugnant to the Constitution and laws of this Commonwealth.

May call meet-
ing for making
by-laws, &c.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said Corporation, subject to such rules, regulations, and provisions,

Commonwealth
may subscribe,
&c.

as to the management thereof, as shall be, by the Legislature, made and established.

Legislature may
appoint Direc-
tors, &c.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum, paid from the Treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Cashier shall
give bonds.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bonds, with sureties, to the satisfaction of the board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Tax.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of July next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of capital stock which shall have actually been paid in.

Corporation lia-
ble for notes
altered, &c.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank, counterfeited, or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration; and shall also be liable to pay, to any bona fide holder, the amount of any note of said Bank, counterfeited, unless all the notes actually issued by said Corporation for ordinary circulation, be printed, or impressed, with a stereotype plate. And said Corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said Bank, or of any other Bank incorporated in this Commonwealth, for

any less sum than the nominal value expressed in such bill or note.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank, or any part of it, shall not be sold and transferred; but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act. And in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Stock not transferable for one year.

SEC. 12. *Be it further enacted*, That any committee specially appointed for that purpose, by the Legislature, shall have a right to examine into the doings of said Corporation; and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined, by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation may thereupon be declared to be forfeited and void.

Legislature may appoint committee to examine, &c.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LVII.

An Act to incorporate the Proprietors of Williamstown Academy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Ralph W. Gridley, Daniel Noble, Lyman Hubbell, Caleb Brown, Stephen Hosford, and Charles Baker, their associates and successors, shall be a Corporation by the name

Persons incorporated.

Name.

of the Proprietors of Williamstown Academy in the County of Berkshire, and may have all the powers and privileges incident to a Corporation.

May make by-laws.

SEC. 2. *Be it further enacted*, That said Corporation may from time to time make such by-laws and regulations, as they shall deem necessary for the management of the concerns and interests of said Academy, *provided*, the same be not repugnant to the Constitution and Laws of this Commonwealth.

Proviso.

May hold real and personal estate.

SEC. 3. *Be it further enacted*, That said Corporation may hold real estate not exceeding in value ten thousand dollars, and personal estate not exceeding the same sum.

First meeting.

SEC. 4. *Be it further enacted*, That any one of the persons named in this Act, may call the first meeting of said Proprietors by advertisement in the Williamstown Newspaper, ten days previous notice being given.

SEC. 5. *Be it further enacted*, That this Act may at any time be altered or repealed at the pleasure of the Legislature.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LVIII.

An Act to incorporate the Merrimack Mutual Fire Insurance Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joseph Kittredge, Samuel Farrar, Nathaniel Swift, John Adams, Francis Kidder, Nathaniel Stevens, Amos Blanchard, Amos Spaulding, Hobart Clark, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the

Merrimack Mutual Fire Insurance Company, with powers and privileges incident to such Corporations for the term of twenty-eight years.

SEC. 2. *Be it further enacted*, That when the sum subscribed to be insured, shall amount to one hundred thousand dollars, said Corporation may insure for the term of one to seven years, any buildings, goods or furniture, to any amount not exceeding three quarters of the value of the property insured.

SEC. 3. *Be it further enacted*, That said Corporation may choose such officers, and establish such by-laws, as they may deem necessary, not repugnant to the Constitution and Laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

May appoint officers, &c.

SEC. 4. *Be it further enacted*, That the funds of said Corporation shall be vested in stocks, or loaned on such security as the Directors may order, and shall be appropriated first to pay the expenses of the Corporation, and next to pay the damages, which any person may be entitled to recover on his policy. In case any person shall have a just claim upon the Corporation exceeding the amount of the existing funds thereof, the Directors shall without delay, assess such sum as may be necessary, on the members of the Corporation, in proportion to the amount of their premiums and deposits for seven years, but not to exceed treble the amount of such premiums and deposits.

Funds to be vested in stocks, or loaned.

SEC. 5. *Be it further enacted*, That whenever any person shall recover judgment against said Corporation, he may levy his execution upon their estate or funds, but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the Directors: *Provided* they first refuse or neglect for the space of sixty days to satisfy the execution after formal demand made on them for that purpose, and any Director whose property may be thus taken, may sustain an action of the case against the Corporation, to recover full and adequate damages therefor.

Private property of Directors liable.

May create a
lien.

SEC. 6. *Be it further enacted*, That each Policy of Insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it, and this provision shall not prevent the taking of other collateral security.

Powers, &c.

SEC. 7. *Be it further enacted*, That in case it shall become necessary to resort to the lien or property insured, the Treasurer shall demand payment of the insured or his legal representative, and likewise of the tenant in possession; and in case of non payment, the Corporation may sustain an action for any sum due, either on the deposit note, or by assessment, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution, and the owner shall have a right to redeem the estate by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

First meeting.

SEC. 8. *Be it further enacted*, That the office for the transaction of the business of said Corporation, shall be located and kept in the town of Andover; that this Corporation shall be liable to be taxed by any general law of this Commonwealth, taxing other similar institutions, and that any member named in this Act may call the first meeting, by advertising the same in the Newspapers printed at Haverhill in the County of Essex, and in Lowell in the County of Middlesex.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LIX.

An Act to incorporate the Proprietors of the Roxbury Female School.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Eliphalet Porter, Sherman Leland, Joseph Harrington, John Lemist, Samuel J. Gardner, Charles Davis, Jonathan Dorr, David A. Simmons, and William C. Hunneman, their associates, successors and assigns, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the Roxbury Female School, and by that name shall be a Corporation forever, with power to regulate and support a school for the education of females in Roxbury, to have a common seal, to sue and be sued in all actions, and prosecute and defend the same, to final judgment and execution.

Persons incorporated.

Name.

May have a common seal.

SEC. 2. *Be it further enacted,* That said Corporation shall have full power to elect from time to time, such officers as it may determine to be necessary or expedient; to ordain and establish rules, orders, and by-laws, not repugnant to the Constitution and laws of this Commonwealth, and the same to modify and annul at pleasure, and to take and hold any real and personal estate, the annual income whereof, shall not exceed three thousand dollars.

May hold real and personal estate.

SEC. 3. *Be it further enacted,* That Eliphalet Porter, be, and he is hereby authorized and empowered to call the first meeting of said Corporation, and to fix the time and place for holding the same, giving each person named in this Act written notice thereof.

First meeting.

SEC. 4. *Be it further enacted,* That this Act may at any time be altered or repealed at the pleasure of the Legislature.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LX.

An Act to incorporate the Franklin Mutual Fire Insurance Company.

Persons incorpo-
rated.

Name.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Eliel Gilbert, Elijah Alvord, Sylvester Allen, Horatio G. Newcomb, Lyman Kendall, Alanson Clark, Franklin Ripley, their associates and successors, shall be a Corporation, by the name of the Franklin Mutual Fire Insurance Company; and shall possess all the powers and privileges incident to such Corporations; and shall so continue for the term of twenty years from the passing of this act.

Shall choose
Directors.

SEC. 2. *Be it further enacted,* That the said Corporation shall choose a Board of Directors, not more than nine, nor less than five; and shall establish such by-laws as they may deem necessary, provided, that such by-laws shall not be repugnant to the Constitution and laws of this Commonwealth. In all matters decided in any legal meeting of said Corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy, legally authorized.

Duties of Directors.

SEC. 3. *Be it further enacted,* That the Board of Directors shall superintend the concerns of said Corporation, and shall have the management of the funds and property thereof, and all matters and things thereunto relating, not otherwise provided for. They shall have power, from time to time, to appoint a Secretary, Treasurer, Surveyor or Surveyors, and such other officers, agents, and assistants, as to them may seem necessary, and to prescribe their duties, fix their compensation, take such security from them as they shall judge proper for the faithful performance of their respective duties, and remove them at pleasure. They shall determine the rates of assurance, and the sum to be as-

sured on any building or other property to be insured, not exceeding three fourths of its value. They shall order and direct the making and issuing of all policies of insurance, and providing of books, stationary, and other things needful for the office of said Corporation, and for carrying on the affairs thereof, and may draw on the Treasurer thereof for the payment of all losses incurred in transacting the concerns of said Corporation. They shall elect one of their number to act as President, and may hold their meetings as often as necessary, and shall keep a record of their proceedings, and a majority of the whole number of Directors shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That when the sum subscribed to be insured shall amount to fifty thousand dollars, said Corporation may insure for the term of one to seven years, any building, goods, or furniture, to any amount not exceeding three fourths of the value of the property insured; and in case any member shall sustain damage over and above the then existing funds of the Corporation, the Directors may assess such further sum or sums, upon each member, as may be in proportion to the sum by him insured, and the rate of hazard originally agreed on: *Provided*, that no member, during the term of seven years, shall be held to pay, by way of assessments, more than two dollars for each dollar by him advanced as premium and deposit.

May insure
buildings, &c.

Proviso.

SEC. 5. *Be it further enacted*, That the monies advanced by each person insured, shall, within sixty days after such advancement, be vested in the stock of some incorporated Bank, stocks of the United States, or notes and bonds secured by mortgages, or other security, at the discretion of the President and Directors, and the proceeds of the same shall be appropriated and applied to pay the damages or loss, that any member may sustain by fire, and to defray the expenses of the Corporation; and each of the insured shall, at the expiration of his policy or policies, have a right to demand and receive

Funds to be
vested in stocks,
&c.

from the Corporation his share of the remaining funds, in proportion to the sum or sums by him actually paid.

SEC. 6. *Be it further enacted*, That when any member of the said Corporation, so insured, shall sustain any loss for which the same Corporation shall be held to indemnify him, and he shall recover judgment therefor against it, he shall have a right to levy his execution, issued on such judgment, on any of the funds of the said Corporation; and when he shall not find sufficient funds of said Corporation, to satisfy the same, and all costs thereon, within ninety days after demand made for that purpose on the Treasurer, or any Director of said Corporation; and when the Directors shall neglect or refuse, for and during the ninety days aforesaid, to make an assessment agreeable to the principles herein expressed, and deliver the same to the Treasurer of said Corporation, and direct him to collect the same in such manner as the said Corporation may point out, to satisfy such execution as far as the said funds and assessments may extend, then, and in that case, it shall be lawful for such judgment creditor to levy or extend his said execution on the private property of any of the said Directors, to the amount of the damages and costs, he shall be entitled to receive and recover on said execution; and any Director, whose estate, real or personal, shall be so taken, may recover compensation therefor by an action on the case against the said Corporation.

Private property
of Directors
liable.

Persons sustain-
ing loss shall give
notice, &c.

SEC. 7. *Be it further enacted*, That whenever any person shall sustain any loss of property by fire, so insured, he shall, within sixty days next after, give notice of the same to such of the Directors as shall be agreed upon by the said Corporation for that purpose, whose duty it shall be to view, either in person, or by some agent or agents by them appointed for that purpose, when the fire happened, and inquire into the circumstances attending the same, and determine, in writing, under their hands, the amount (if any) of the said Corporation's liability for such loss; and if the sufferer shall not acquiesce

in their determination, he or she, within thirty days next after such determination shall be made known by said Directors, may bring an action at law against said Corporation, for such loss before any Court of competent jurisdiction, within the County of Franklin; and in case the sufferer shall not, by verdict of a jury, recover more than the damage determined on by the Directors as aforesaid, the plaintiff in such action shall have judgment on the verdict, but the Corporation shall recover their costs, and execution shall issue for the balance in favour of the party entitled to recover it.

SEC. 8. *Be it further enacted*, That so soon as the amount of the Corporation's liability shall be ascertained in either of the ways mentioned in this act (and the funds at hand not being sufficient) the said Directors shall make an assessment upon the members of said Corporation, agreeably to the principles of this act, and deliver the same to the Treasurer of the said Corporation to collect.

Directors to
make assessments,
&c.

SEC. 9. *Be it further enacted*, That each policy of insurance shall of itself, without any other ceremony, create a lien on any building insured, and on the land under it; and this provision shall not prevent the taking of any other collateral security.

Policy shall be a
lien on estate.

SEC. 10. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the Treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of nonpayment, the Corporation may sustain an action for any sum due, either on the deposit note, or by assessment; and their execution may be levied on the insured premises; and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sales of equities of redemption on execution; and the owner shall have a right to redeem the estate by paying the cost of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from such sale.

Treasurer shall
demand pay-
ment, &c.

First meeting.

SEC. 11. *Be it further enacted*, That any one of the persons herein named, are hereby authorized to call a meeting of the members of said Corporation, at such time and place as he shall think fit, by advertising the same in a newspaper printed at Greenfield, fourteen days previous to said meeting.

SEC. 12. *Be it further enacted*, That the Franklin Mutual Fire Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar Corporations.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LXI.

An Act to incorporate the Proprietors of Sherburne Academy.

Persons incorpo-
rated.

Name.

May have a com-
mon seal.

Proviso.

Penalty.

May hold real
and personal
estate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Shearjashub Bourne Townsend, Calvin Sanger, Daniel Paul, John Perry, their associates and successors, shall be a Corporation by the name of the Proprietors of Sherburne Academy, and by that name may sue and be sued, implead and be impleaded, have a common seal; and at any legal meeting, establish rules, orders, and by-laws, for the well ordering and governing the affairs of said Corporation, *provided*, the same are not repugnant to the laws of this Commonwealth; and may annex penalties for the breach of any such rules, orders, or by-laws; *provided*, the same shall not exceed five dollars; and said Corporation are hereby vested with all the powers necessary to carry into effect the purposes of this Act.

SEC. 2. *Be it further enacted*, That said Corporation may hold and possess any real or personal estate, the annual income of which, shall not exceed

three thousand dollars ; And the property of said Corporation shall be divided into such a number of shares, as the Corporation shall determine ; and each proprietor shall have a certificate of his share signed by the Treasurer and Secretary ; and no transfer of any share shall be legal, until the same shall have been recorded by the Clerk in a book kept for that purpose ; each share shall entitle the proprietor thereof to one vote ; *provided*, however, that no proprietor shall be entitled to more than three votes. Proviso

SEC. 3. *Be it further enacted*, That either of the persons named in this Act, may call the first meeting of said proprietors, by giving notice of the time and place of meeting, by posting up a notification thereof in some public place in said town of Sherburne, at least fourteen days before said meeting. First meeting.

SEC. 4. *Be it further enacted*, That the Legislature may at any time hereafter alter or repeal this Act.

[Approved by the Governor, Feb. 11, 1823.]

CHAP. LXII.

An Act to incorporate the President, Directors, and Company of the Merchants Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That George Hallet, Lemuel Pope, John F. Loring, Thomas B. Wales, Seth Knowles, William W. Stone, Eben. Appleton, their associates, successors, and assigns, shall be, and hereby are created a Corporation, by the name of the President, Directors, and Company of the Merchants Bank, and shall so continue until the first Monday in October, which will be in the year of Persons incorporated.

Name.

Proviso.

our Lord, one thousand eight hundred and thirty one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this Act, as fully and effectually as if the several sections of said Act, were herein specially recited and enacted. *Provided*, however, that the amount of Bills issued from said Bank at any one time, shall not exceed fifty per centum on the amount of the capital stock actually paid in.

Amount of capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of five hundred thousand dollars in gold or silver, to be, besides such part as the Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following: that is to say, fifty per centum thereof on or before the first day of July next, and the residue in such times, and in such proportions, as the Directors hereafter to be chosen shall determine: *provided*, that the whole amount shall be paid in within one year from the passing of this Act; and no stockholder shall be allowed to borrow any money of said Bank, until he shall have paid in his full proportion of the whole of the said capital stock, as herein before provided. And no dividend shall be declared on the capital stock of said Bank, until the same sum of five hundred thousand dollars shall be paid in, in manner aforesaid; and the stockholders shall at their first meeting by a majority of votes determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said Corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their

Proviso.

successors and assigns, lands, tenements, and hereditaments, to the amount of one hundred thousand dollars, and no more, at any one time, with the power to bargain, sell, dispose, and convey the same by deed, under the seal of said Corporation, and signed by the President or two Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may thing advisable; *provided*, however, that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution to any amount, as security for, or in payment of any debt due to the said Corporation, and provided further, that no money shall be loaned, or discount made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said Corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or the majority of them, that said capital stock hath been bona fide paid in by the stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in the City of Boston, and no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place than at the Bank aforesaid.

SEC. 4. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stock-

Proviso.

Bank to be kept
in Boston.

First meeting.

By-laws, &c.

Choice of Directors.

Shall loan money to the Commonwealth.

Proviso.

Commonwealth may own stock.

Commonwealth may appoint Directors.

holders of said Corporation, as soon as may be, at such time and place, as they may see fit to appoint, by advertising the same in any two of the Newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

SEC. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum which may be required, not exceeding ten per centum of the capital stock actually paid in at one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate, not exceeding five per centum per annum. *Provided*, however, that the Commonwealth shall never stand indebted to said Corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum, not exceeding fifty per centum of the capital stock, to be added to the capital stock of said Corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be by the Legislature made and established.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum, not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier to give Bond.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of July next, shall pay by way of tax to the Treasury of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock, which shall have actually been paid in.

To be taxed.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder the original amount of any note of said Bank, counterfeited or altered in the course of its circulation to a larger amount notwithstanding such alterations, and shall also be holden to pay to any bona fide holder, the amount of any note counterfeited, unless all the notes actually issued by said Corporation, shall be printed, or impressed, with the stereotype plate; and said Corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Corporation liable for notes altered.

SEC. 11. *Be it further enacted*, That if the Bank hereby created, be not put into operation, within one year from the date of this Act, the same shall be void; And no part of the capital stock of said Bank shall be sold or transferred, until the whole amount thereof shall have been paid in.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LXIII.

An Act to incorporate the Trustees of Lancaster Academy.

Persons incorpo-
rated.

Name.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Solomon Strong, Nathaniel Thayer, Ira H. T. Blanchard, Joseph G. Kendall, Joseph Willard, George Baker, Horatio Carter, Davis Whitman, Peter Osgood, Calvin Lincoln, and Solon Whiting, be, and they hereby are, incorporated into a body politic, by the name of the Trustees of Lancaster Academy; and they and their successors shall be, and continue a body politic, by that name forever.

May hold real
and personal
estate.

SEC. 2. *Be it further enacted,* That all lands, monies, or other property, heretofore given or subscribed, for the purpose of erecting and establishing an Academy in the town of Lancaster, in the County of Worcester, or which shall hereafter be given, granted, or assigned to the said Trustees, shall be confirmed to the said Trustees, and their successors in that trust, forever, for the uses which in such instruments shall be expressed; and the said Trustees shall be capable of having, holding, and taking, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal, provided the annual income of the same shall not exceed the sum of three thousand dollars; and shall apply the interest, rents, and profits thereof, so as most effectually to promote the design of the institution.

Duties of the
Trustees.

SEC. 3. *Be it further enacted,* That the said Trustees, for the time being, shall be the visitors and governors of said institution, shall have full power, from time to time, to elect such officers thereof as they shall judge necessary and convenient, and fix the tenure of their respective offices; to remove from office any Trustee, when he shall become in-

capable, from age or otherwise, of discharging the duties of his office ; to fill all vacancies that may happen in the Board of Trustees, by electing suitable persons therefor ; to determine the times and places for holding their meetings, the manner of notifying the Trustees, the method of electing and removing members of the board ; to ascertain the powers and duties of their several officers ; to elect instructors and instructresses, and prescribe their duties ; to make and ordain reasonable rules, orders, and by-laws, with reasonable penalties for the government of the institution, provided the same be not repugnant to the Constitution and laws of the Commonwealth.

SEC. 4. *Be it further enacted*, That the Trustees of said Academy may have a common seal, which they may change at pleasure ; and all deeds sealed with said seal, and delivered and acknowledged by the Secretary of said Trustees, by their order, shall be good and valid in law ; and said Trustees may sue and be sued, in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Lancaster Academy.

May have common seal, &c.

SEC. 5. *Be it further enacted*, That the number of said Trustees shall never exceed eleven, nor less than seven, five of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time ; and a majority of those present shall always decide all questions that may properly come before the same Trustees, except that a majority of all the Trustees shall be necessary to remove any member from the Board.

Number of Trustees.

SEC. 6. *Be it further enacted*, That the Honorable Solomon Strong be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the Trustees, and to give them notice thereof.

First meeting.

SEC. 7. *Be it further enacted*, That this act may be altered or repealed by the Legislature at any time hereafter.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LXIV.

An Act to incorporate the Proprietors of Milford Academy.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Godfrey, John Claflin, Jun. Nathan Wood, their associates, successors, and assigns, be, and they hereby are incorporated, by the name of the Proprietors of Milford Academy, in the town of Milford, in the County of Worcester, with power to have a common seal, to sue and be sued, to make by-laws and regulations for the government of their own affairs, not repugnant to the Constitution and laws of this Commonwealth, and to appoint such officers for the regulation of their concerns as they may deem expedient, with power to hold real estate, not exceeding in value four thousand dollars, and personal estate not exceeding in value five thousand dollars.

Persons incor-
porated.

Name.

Powers, &c.

Property shall be
divided into
shares.

SEC. 2. *Be it further enacted,* That the property of said Corporation shall be divided into shares of fifty dollars each, and each share shall entitle the proprietor thereof to one vote, provided no one member of said Corporation shall give more than six votes.

First meeting.

SEC. 3. *Be it further enacted,* That any two of the persons herein named may call the first meeting of said Corporation, by notice printed in one of the newspapers published in Worcester, ten days at least before the time appointed for such meeting.

SEC. 4. *Be it further enacted,* That this act shall be subject to revision or repeal at the will of the Legislature.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LXV.

An Act to incorporate the State Insurance Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel King, Thomas Perkins, Thomas Dennie, Samuel D. Parker, and Daniel Parkman, with their associates, successors, and assigns, be, and they are hereby incorporated into a body politic, by the name of the State Insurance Company, for and during the term of twenty years from and after the passing of this act, with all the privileges granted to Insurance Companies, and subject to all the restrictions, duties, and obligations, contained in a law of this Commonwealth, entitled "An Act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Commonwealth, entitled "An Act authorizing the several Insurance Companies in this Commonwealth to insure against Fire," passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said Company: *Provided*, they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said Company.*

Persons incorporated.

Name.

Proviso.

SEC. 2. *Be it further enacted, That the capital stock of said Company, exclusive of premium notes, and profits arising from business, shall be three*

Capital stock, &c.

hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in, in money, within sixty days after the first meeting of the said Company, and the residue in such instalments, and under such penalties, as the President and Directors shall in their discretion direct and appoint, within one year from the passing of this Act.

Directors, how
chosen, &c.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be Stockholders and Citizens of this Commonwealth, and shall be elected on the second Monday in January in each and every year, at such time of the day, and in such place, in the City of Boston, as a majority of the Directors for the time being shall appoint, of which election public notice shall be given in two of the Newspapers printed in the City of Boston, and continued for the space of ten days immediately preceding such election, and the election shall be made by ballot, by a majority of the votes of the Stockholders present, allowing one vote for each share in the capital stock : *provided*, that no Stockholder shall be allowed more than thirty votes, and absent Stockholders may vote by proxy, under such regulations, as the said Company shall prescribe. And if, from any cause, the said Directors should not be chosen on the second Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein prescribed.

Proviso.

Directors shall
choose a Pres-
ident.

SEC. 4. *Be it further enacted*, That the Directors when chosen, shall meet as soon as may be after every election, and shall choose out of their body, one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year, and in case of the death, resignation, or inability to serve, of the Pres-

ident, or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections of Directors.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors in the absence of the President, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance, and also shall have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet ; *provided*, such by-laws and regulations shall not be repugnant to the Constitution or laws of this Commonwealth.

May make by-laws.

Proviso.

SEC. 6. *Be it further enacted*, That any two or more persons named in this Act of incorporation, are hereby authorized to call a meeting of the said Company as soon as may be in Boston, by advertising the same for two successive weeks, in two of the Newspapers printed in Boston, for the purpose of electing a first Board of Directors, who shall continue in office until the second Monday of January, in the year of our Lord, then next ensuing.

First meeting.

SEC. 7. *Be it further enacted*, That the said State Insurance Company shall be liable to be taxed by any general law providing for the taxation of all similar Corporations.

Tax.

SEC. 8. *Be it further enacted*, That said Company shall not take any risk, nor subscribe any policy,

until one moiety of the capital stock shall actually have been paid in.

[Approved by the Governor, Feb. 11, 1828.]

CHAP. LXVI.

An Act ceding to the United States jurisdiction over a Tract of Land purchased by them in Chelsea, for the erection of a Naval Hospital thereon.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be, and hereby is granted to the United States, to purchase and hold a tract of land situate in Chelsea, in the County of Suffolk, for a Naval Hospital, within the following limits, viz: beginning at a point at low water mark on the north side of the northern channel of Mystic River, where it touches Chelsea Bridge, thence northeasterly along the western side of said Bridge to high water mark, thence northeasterly along the north side of Salem Turnpike road fifteen rods, to the land of Abel Gardner, from thence northerly by the land of said Gardner, eight rods and three links, from thence northeasterly partly by the land of said Gardner, partly by the land of the Proprietors of Salem Turnpike and partly by the land of Samuel Chittenden, fifteen rods and six links, from thence southerly by the land of said Chittenden to the Salem Turnpike, from thence by the Salem Turnpike to the land of Thomas Williams, from thence northerly by the land of said Williams, to Island End River, from thence by a line due west to Mill River, from thence southwesterly along the low water line

Boundary.

of said River to its junction with Mistic River, thence southeasterly along the northern low water line of the north channel of Mistic River to the place of beginning; containing seventy-four acres of land, be the same more or less. A plan or map of said described premises is required to be deposited in the office of the Secretary of State of this Commonwealth: *Provided*, That this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States, in and over said land, so far that all civil and criminal process, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building, which now is, or may be hereafter erected thereon, in the same way and manner as if this consent had not been granted: *Provided also*, that the provisions of this act shall not go into effect until the building for said Naval Hospital be erected on said described premises.

[Approved by the Governor, Feb. 20, 1828.]

CHAP. LXVII.

An Act to incorporate the First Methodist Episcopal Society in the town of Saugus.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Shaw, Jonathan Makepeace, Benjamin F. Newhall, John T. Burrill, Jonathan Newhall, Charles Sweetser, Benjamin B. Hutchings, Joseph G. Goldthwait, George Makepeace, Jacob Newhall, Junior, and their associates, be, and they are hereby incorporated into a religious society, by the name of the First Meth-

Persons incorporated.

Name.

odist Episcopal Society in the town of Saugus, with all the powers, privileges, and immunities, to which parishes are entitled by the Constitution and laws of this Commonwealth; and may purchase, receive by gift, or otherwise, and hold, real or personal estate, the annual income of which shall not exceed the sum of one thousand dollars, for the purpose of supporting public worship therein; and may also ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient for the government of their Society, and the management of their parochial and ministerial funds: *Provided*, such by-laws and regulations shall be in no wise contrary to the Constitution and laws of this Commonwealth.

Power granted.

Grants, &c. shall be under direction of Trustees.

SEC. 2. *Be it further enacted*, That all gifts, grants, or monies received by said Society, shall be under the direction of seven Trustees, to be appointed agreeably to the usages of the Methodist Episcopal Church.

Power of Trustees.

SEC. 3. *Be it further enacted*, That said Trustees be, and they are hereby vested with, and shall have full power to receive all monies, subscriptions, donations, and securities for real or personal estate, that may hereafter be given, raised, or subscribed, for the use of said Society; and said Trustees are hereby empowered, by purchase, or operation of law, to take, have, hold, use, improve, and manage, any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust, for the support and maintenance of the gospel ministry, and other expenses of said Society; and all deeds of pews in the Meeting House of said Society, being duly executed and recorded by the Clerk of said Society, in a book kept by him for that purpose, shall be good and valid in law.

SEC. 4. *Be it further enacted*, That, any Justice of the Peace for the County of Essex, be, and he hereby is, empowered, on application therefor, to issue his warrant to some member of said Methodist Episcopal Society, requiring him to notify and

warn the members thereof, to meet at such time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual meetings, and to transact such other parochial business, as may be authorized by said warrant. First meeting.

SEC. 5. *Be it further enacted*, That this act may, at any time, be altered, amended, or repealed, at the pleasure of the Legislature.

[Approved by the Governor, Feb. 20, 1828.]

CHAP. LXVIII.

An Act to alter the name of the Town of South
Brimfield in the County of Hampden.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the name of the Town of South Brimfield, in the County of Hampden, be, and the same hereby is altered to the name of Wales; and that said Town shall henceforth be known and called by the said last mentioned name, any thing in the act whereby the said Town was incorporated to the contrary notwithstanding. Name altered.

[Approved by the Governor, Feb. 20, 1828.]

CHAP. LXIX.

An Act to incorporate the Lynn Mutual Fire Insurance Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Gardner, Jonathan Bacheller, Winthrop Newhall, Isaiah Breed, Robert W. Trevett, Benjamin Massey, William B. Breed, John Lovejoy, Daniel Silsbee, Stephen Smith, Junior, Henry A. Breed, and their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name of the Lynn Mutual Fire Insurance Company, with powers and privileges incident to such Corporations, for the term of twenty-eight years.

SEC. 2. *Be it further enacted,* That when the sum subscribed to be insured shall amount to one hundred thousand dollars, said Corporation may insure, for the term of from one to seven years, any buildings, goods, or furniture, in the towns of Lynn, Saugus, and Lynnfield, in the County of Essex, to any amount not exceeding three quarters of the value of the property insured.

SEC. 3. *Be it further enacted,* That said Corporation shall choose a Board of Directors, not more than nine, nor less than five; and shall establish such by-laws, as they may deem necessary, not repugnant to the Constitution and laws of this Commonwealth; and each member shall have as many votes as he has policies, and may vote by proxy.

SEC. 4. *Be it further enacted,* That the funds of said Corporation shall be vested in stocks, or loaned on such security as the Directors may order; and shall be appropriated, first to pay the expenses of the Corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim upon the Corporation, exceeding the

Persons incorporated.

Name.

May insure buildings, &c.

Shall choose Directors.

Funds to be vested in stocks, &c.

amount of their then existing funds, the Directors shall, without delay, assess such sum as may be necessary, on the members, in proportion to the amount of their premiums and deposits for seven years, but not to exceed double the amount of such premiums and deposits.

SEC. 5. *Be it further enacted*, That whenever any member shall recover judgment against said Corporation, he may levy his execution on their estate or funds; but if sufficient estate or funds cannot be found, he may levy the same on the private property of any one of the Directors, provided they first refuse, or neglect, for the space of sixty days, to satisfy the execution, after formal demand made on them for that purpose; and any Director, whose property may be thus taken, may sustain an action of the case against the Corporation, to recover full and adequate damages therefor.

Private property
of Directors
liable.

SEC. 6. *Be it further enacted*, That each policy of insurance, shall, of itself, without any other ceremony, create a lien on any buildings insured, and on the land under the same; and this provision shall not prevent the taking of other collateral security.

Policy shall be a
lien on estate.

SEC. 7. *Be it further enacted*, That in case it should become necessary to resort to the lien on the property insured, the Treasurer shall demand payment of the insured, or his legal representative, and likewise of the tenant in possession; and in case of non payment, the Corporation may sustain an action for the sum due, either on the deposit note, or by assessment; and their execution may be levied on the insured premises, and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice, and proceeding in the same manner as is required in the sale of equities of redemption on execution; and the owner shall have a right to redeem the estate, by paying the costs of sale, the amount of the execution, and twelve per cent. interest thereon, within one year from said sale.

Treasurer shall
demand pay-
ment, &c.

First meeting.

SEC. 8. *Be it further enacted*, That this Corporation shall be liable to be taxed, by any general law of this Commonwealth taxing other similar institutions ; and either of the persons named in this act may call the first meeting, by advertising the same in any newspaper printed in the County of Essex.

[Approved by the Governor, Feb. 20, 1828.]

CHAP. LXX.

An Act altering the dividing line between the towns of Dartmouth and Westport.

Boundary.

Proviso.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this Act, the dividing line between the said towns of Dartmouth and Westport shall be as follows, viz. ; commencing at the sea shore at the south east corner of Tillinghast Almy's homestead Farm, thence northerly, following the centre of the road as now travelled, to a point opposite where William Petty's house formerly stood, thence, north, thirty degrees west, three hundred and forty rods, to Bread and Cheese Brook road, so called, thence, north one hundred and ninety rods to the line which divides the said town of Westport, from the town of Troy ; and that the line as above described shall hereafter be the dividing line between the said towns of Dartmouth and Westport, any thing in the Act incorporating the said town of Westport to the contrary notwithstanding. *Provided*, nevertheless, that nothing in this Act contained, shall impair or affect any contract or agreement entered into by and between said towns of Dartmouth and Westport, or their agents, relative to the construc-

tion or maintenance of said road or highway ; and provided also, that if a road should be located from the said point opposite said Petty's house northerly on the line between said towns to Troy line, the same shall be made and maintained by each of said towns in the proportion that each paid in the last State tax.

[Approved by the Governor, Feb. 20, 1828.]

CHAP. LXXI.

An Act to incorporate the Provident Institution for Savings in the towns of Salisbury and Amesbury.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jacob Brown, Joseph Flanders, Thomas Boardman, James Horton, Joseph Wadleigh, Daniel Blodell, and Nathan Crosby, of Salisbury, and Ephraim Morrill, Robert Patten, Thomas Bailey, Joshua Auben, Enoch Winkley, Robert Cross, John Wadleigh, Joseph Mann, and James Homer, of Amesbury, be, and they hereby are, incorporated into a Society, by the name, style, and title of the Provident Institution for Savings, in the towns of Salisbury and Amesbury, and that they and such others as shall be duly elected members of the said Corporation as in this Act provided, shall be, and remain a body politic and corporate, by the same name, style, and title, during the pleasure of the Legislature.

Persons incorporated.

Name.

SEC. 2. *Be it further enacted*, That the said Society and Corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said institution, any

deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein made and provided.

Depositors to receive the profits.

SEC. 3. *Be it further enacted*, That all deposits of money received by the said Society, shall be by the said Society used and improved to the best advantage, and the income or profit thereof, shall be by them applied and divided among the persons making the said deposits, their executors or administrators, in just proportions, with such reasonable deductions for actual expenses in managing the same ; and the principal of such deposits may be withdrawn at such times, and in such manner, as the said Society shall direct and appoint.

May choose members.

SEC. 4. *Be it further enacted*, That the said Society and Corporation shall, at their first meeting, and at their annual meeting in March of each year, have power to elect by ballot, any other person or persons, as members of the said Society ; and any one member, upon filing a written notice with the President of said Society three months prior, may upon any annual meeting of said Society, withdraw, and forever dissolve his connexion with the same.

May have a common seal.

SEC. 5. *Be it further enacted*, That the said Society may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements, made by their Treasurer, or any person by their authority and direction, shall be good and valid ; and the said Corporation shall at all times have power to sue, and may be sued, and may defend and shall be held to answer by the name, style, and title aforesaid.

Place of meeting.

SEC. 6. *Be it further enacted*, That the said Society shall hereafter meet near the Mills in Salisbury or Amesbury, sometime in the month of March annually, and at such other times, as the Society, or the President thereof, may direct ; and any thirteen members thereof, (the President, Vice President, Treasurer or Secretary being one,) shall be a quorum ; and the said Society, at their first meeting, and at their meeting in March annually, shall have

power to elect a President, and all such other officers, as to them shall appear necessary ; which officers so chosen, shall continue in office one year, and until others are chosen in their room ; and all officers so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

May appoint officers, &c.

SEC. 7. *Be it further enacted*, That the said Society hereby are vested with the power of making by-laws for the more orderly managing the business of the Corporation, provided the same are not repugnant to the Constitution or laws of this Commonwealth.

May make by-laws, &c.

SEC. 8. *Be it further enacted*, That any one of the persons named in this Act, is hereby empowered, by giving personal notice to each of the persons named in this Act, to call and notify the first meeting of the said Society, at such time and place, as he may judge proper.

First meeting

SEC. 9. *Be it further enacted*, That the officers and agents of the said Institution shall lay a statement of the affairs thereof before any persons, appointed by the Legislature to examine the same, whenever required so to do, and shall exhibit to them all the books and papers relating thereto, and shall submit to be examined by them, concerning the same under oath, and the Legislature may at any time, make such further regulations for the government of said Institution, as they may deem expedient, and may alter and amend, or repeal this Act at pleasure.

[Approved by the Governor, Feb. 20, 1828.]

CHAP. LXXII.

An Act to increase the pay of Jurors in certain cases.

Jurors fees.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That each Juror who shall hereafter attend on a summons issued on a complaint in relation to the locating, altering or discontinuing any High-way, Town-way or Private-way, or to the estimating damages occasioned thereby, shall receive one dollar and twenty-five cents for each day's attendance, and six cents for each mile travelled therefor each way.

[Approved by the Governor, Feb. 23, 1828.]

CHAP. LXXIII.

An Act in addition to an Act entitled "An Act to regulate the burning of Coal Pits in the towns of Plymouth, Kingston, Carver and Wareham in the County of Plymouth, and Sandwich, in the County of Barnstable."

Fires shall not be kept in coal pits, &c.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no person shall hereafter put, keep, maintain, or permit to be put, kept or maintained, any fire to, or in any Coal Pit, or to any pile or parcel of wood, in any of the wood lands in the towns of Plymouth, Kingston, Carver, or Wareham aforesaid, or either of them, for the purpose of charring the same, or put, keep or main-

tain, or permit to be put, kept, or maintained, any fire in any cabin, hut, or building, in any of the woodlands aforesaid, for the use or accommodation of any person or persons, at work, or employed in, or on any of said woodlands, between the first day of April and the fifteenth day of September annually.

SEC. 2. *Be it further enacted*, That if any person or persons, their agent or agents, shall put, keep or maintain any fire, in any Coal Pits, or pile, or parcel of wood, in any of the woodlands in either of the towns of Plymouth, Kingston, Carver or Wareham, aforesaid, or put, keep, maintain, or permit to be put, kept, or maintained, any fire, in any cabin, hut, or building, in any of the woodlands aforesaid, for the use or accommodation of any person or persons, at work, or employed in or on any of said woodlands, between the first day of April and the fifteenth day of September annually, such person or persons so offending, shall, for each and every offence, forfeit and pay the sum of one hundred dollars, to be recovered in the same manner, and to the same use, as are provided in the fourth section of the Act to which this is in addition. Penalty.

[Approved by the Governor, Feb. 23, 1828.]

CHAP. LXXIV.

An Act in addition to an Act entitled “ An Act respecting Lost Goods and Stray Beasts.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That any person who shall hereafter take up any Neat Cattle or Sheep, as stray beasts, within ten miles of the Agricultural

Notice, &c.

Hall in the town of Brighton, shall, in addition to the notice required by the provisions of said Act, post up a notification thereof, at some public place to be designated by the Selectmen of the said town of Brighton, within said town, describing in such notification, the color and natural and artificial marks of such beast, within ten days after the finding or taking up of the same ; and if any such person shall neglect to give notice as aforesaid, he shall be liable to the same penalties which are provided in the Act to which this is in addition, for neglecting to comply with its provisions in respect to the notice thereby required ; and any person taking up any stray beast as aforesaid, and giving notice as herein required, shall be entitled to receive, in addition to the charges provided in the Act to which this is in addition, the sum of eight cents for every mile he shall have to travel in order to post up such notification, together with fifty cents for posting up the same.

Stray beasts to
be appraised.

SEC. 2. *Be it further enacted,* That any person who shall hereafter take up any stray beast, shall cause the same to be appraised in the manner provided in the Act to which this is in addition, and if the owner thereof shall not appear and claim the same as therein provided, within three months after such appraisement, it shall be lawful for such person to sell such beast at public vendue, first giving notice of such sale at least four days before the time of sale, in two public places in the town wherein such stray beast is taken up ; and the money arising from such sale shall be deposited in the Treasury of such town, and if the owner of such beast shall appear within a year and a day from the time of giving notice of such finding, he shall be entitled to claim and receive such money, first paying to the finder of such beast his legal charges upon the same ; and if the owner of such beast shall neglect to appear within a year and a day from the time of notice given as aforesaid, the person finding such estray shall be entitled to receive from such Treasury one half part of the amount for which such beast may

have been sold as aforesaid, together with his legal charges in regard to the same, and the balance shall remain to the use of the poor of said town, to be appropriated accordingly.

SEC. 3. *Be it further enacted*, That all parts of the Act to which this is in addition, which are inconsistent with the provisions of this Act, be, and the same are hereby so far repealed as to give effect to this Act; and the provisions of the first section of this Act shall continue in operation during the whole year, any law or usage to the contrary notwithstanding.

[Approved by the Governor, Feb. 23, 1828.]

CHAP. LXXV.

An Act to incorporate the Gloucester Insurance Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William W. Parrott, Israel Trask, Elias Davison, William Pearce, Winthrop Sargent, William Pearce, Junior, B. K. Heough, William Ferson, Charles L. Roberts, Samuel Pearce, George W. Pearce, William Stevens, and Obadiah Woodbury, with their associates, successors, and assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Gloucester Insurance Company, with all the powers and privileges granted to Insurance Companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An Act to define the powers, duties, and restrictions of Insurance Companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, and in a law of this Common-

Persons incorporated.

Name.

wealth, entitled "An Act authorizing the several Insurance Companies in this Commonwealth to insure against Fire," passed on the twenty first day of February, in the year of our Lord one thousand eight hundred and twenty ; for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure ; and may purchase, hold, and convey any estate, real or personal, for the use of said Company : *Provided however*, the said real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

Capital stock,
&c.

SEC. 2. *Be it further enacted*, That the capital stock of said Company, exclusive of premium notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in, in money, within ninety days after the first meeting of said Company, and the residue thereof, in such instalments, and under such penalties, as the President and Directors shall in their discretion direct and appoint.

Directors, how
chosen, &c.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said Company, shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and no longer, and who shall, at the time of their election, be Stockholders in said Company, and Citizens of this Commonwealth, and shall be elected on the first Monday of January annually, at such time of the day, and in such place, in the town of Gloucester, as the Directors for the time being shall direct, of which election public notice shall be given in one or more Newspapers printed in the County of Essex, ten days, at least, previous to the meeting ; and the election shall be made by ballot, by a majority of the votes of the Stockholders present, allowing one

vote to each share in the capital stock : *Provided*, Proviso. that no Stockholder shall be allowed more than ten votes, and absent Stockholders may vote by proxy, under such regulations, as the said Company shall prescribe. And if, by any accident, the Directors should not be chosen on the said first Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided. And it shall be the duty of the Secretary of said Company, at any time, upon application in writing of the proprietors of twenty per centum of the capital stock, to call a meeting of the Stockholders, to be holden at such time and place in Gloucester, as they shall direct, for the purposes mentioned in such application, by giving the like notice thereof as is herein required for the choice of Directors.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body, one person to be President, who shall be sworn, or affirmed, to the faithful performance of the duties of his office, and who shall preside for one year ; and in case of death, resignation, or inability to serve, of the President, or any of the Directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be notified and held in the manner as is herein before provided for respecting annual elections of Directors. Directors shall choose a President.

SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of them in his absence, shall be a board competent to the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares, and touching the conduct and duties of the several officers, clerks, and servants employed. May make by-laws.

and the election of the Directors, and all such matters as appertain to the business of Insurance; also shall have power to appoint a Secretary, and so many clerks for carrying on the said business, and with such salaries and allowances to them, and to their President, as to the said Board shall seem meet; ; *provided*, such by-laws and regulations shall not be repugnant to the Constitution and laws of this Commonwealth.

First meeting.

SEC. 6. *Be it further enacted*, That any five of the persons named in this Act, are hereby authorized to call the first meeting of said Company, by advertising the same in one or more Newspapers printed in the County of Essex, in two successive papers, for the purpose of electing their first Board of Directors, who shall remain in office until the first Monday in January next, and until others shall be elected in their stead: And *provided also*, that said Company shall not take any risk, or subscribe any policy, by virtue of this act, until one moiety of the capital of said Company shall have actually been paid in.

Tax.

SEC. 7. *Be it further enacted*, That said Company shall be located and kept in the town of Gloucester, and shall be liable to be taxed by a general law providing for the taxation of all similar Corporations.

[Approved by the Governor, Feb. 23, 1828.]

CHAP. LXXVI.

An Act to incorporate the Lane's Cove Pier Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Lane, Winthrop Sargent, Joshua Tucker, Epes Young, Winthrop Sargent, Junior, Ignatius Sargent, William Langsford, Andrew H. Langsford, Theodore Roberts, Joseph Carter, Michael Walen, William Young, Epes Lane, and William Hodgkins, their associates and successors, be, and they hereby are, made a Corporation and body politic, during the pleasure of the Legislature of this Commonwealth, by the name and style of the Lane's Cove Pier Company, with all the powers, privileges, and immunities, incident to a Corporation aggregate ; and said Corporation is hereby made capable in law, of having, holding, purchasing, and taking, in fee simple, or in any less estate, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real, personal, or mixed, necessary for making, upholding, and maintaining a pier or piers, to be built of stone, and erected on the northeast, and if necessary, on the southwest side of said Cove: Provided nevertheless, that the amount thereof shall not exceed the sum of one hundred thousand dollars.*

Persons incor-
porated.

Name.

SEC. 2. *Be it further enacted, That said Corporation shall have a common seal, and change it as they see cause, and shall be capable in law to prosecute and defend to final judgment and execution, any action, or other process, before any court, tribunal, or magistrate whatever ; and to do and perform all such other acts, matters and things, as an aggregate Corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations as they may find ne-*

Powers, &c.

May appoint
officers, &c.

cessary or useful for the well ordering and governing their officers, agents, servants, estates, rights, property and interests. And they shall have power to appoint a President, Treasurer, Secretary, and such other officers, agents, and servants, as they may find necessary and convenient for them; and to invest them with such powers, and subject them to such duties, as may be provided in and by the by-laws and regulations aforesaid, provided the same be not repugnant to the Constitution and laws of this Commonwealth.

May dig stone,
&c.

SEC. 3. *Be it further enacted*, That said Corporation shall have power to dig for stone, gravel, or other materials necessary for the making, completing, and repairing said pier or piers, and for making a way from said pier or piers to the highway, by and with the consent of the owners of the land from which such stones, gravel, and other materials may be taken, or over which such way is proposed to be made.

Shall have power
to explore and
lay out flats, &c.

SEC. 4. *Be it further enacted*, That said Corporation shall have power to explore, mark, and lay out, one or more parcels of flats, shores or uplands, with a privilege to extend not more than twenty rods from low tide mark into the sea, nor more than one hundred rods above high tide mark, in any direction most convenient for them, for the purpose of making and completing said pier or piers, and forming a basin within the same; that any person sustaining any damage by the building and making of said pier or piers, or other erections, may apply, if within two years from the time when any such damage may have happened, to the Court of Common Pleas, holden within and for the County of Essex, for a Committee to be appointed to estimate the damage, unless the parties shall agree to settle the same by arbitration, or otherwise. And upon such application, the Court, after thirty days notice to said Corporation, to appear and shew cause why such Committee should not be appointed, shall, if no good cause be shewn to the contrary, appoint three or five disinterested freeholders within the said County, which Committee, being first duly sworn be-

Persons sustain-
ing damage to
apply to the
Court of C. P.

fore some Justice of the Peace, appointed by said Court, and giving due notice to both parties, to appear, if they see fit, and be heard before them, shall proceed to the duties of their appointment, and they shall enquire whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same. And they shall also take into consideration, and set off against such damage, any benefits and advantages which may result to the party complainant in consequence of the said pier or piers, or other erections; and if the said benefits shall be found to exceed, or to equal the said damages, then the said Committee shall make their report, that the complainant take nothing by his complaint, and they, or the major part of them, shall make return of their doings as soon as may be, into the said Court, and upon the acceptance of said report, judgment may be rendered for the prevailing party, with reasonable costs. And if, upon notice to said Corporation as aforesaid, to show cause why such Committee should not be appointed, said Corporation shall appear, and deny the title to the lands damaged, or shall claim a right to do the acts complained of, without the payment of damages, or for an agreed composition, the said Court shall first order a trial of the issue at the bar of said Court, and if there is an issue in law, shall try it themselves. And in either case either party may appeal to the Supreme Judicial Court, as in other cases; and a certificate of the determination of the Supreme Judicial Court on such appeal, in favor of the original applicant, shall be filed in said Court of Common Pleas, before such Committee shall be appointed.

SEC. 5. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or contrary to law, take up, remove, break down, or dig under, or otherwise injure any part of said pier or piers, or any work or works connected with, or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to said Corporation, treble such damages as said Corporation shall to the Justice or Court and

Penalty.

Jury, before whom the trial shall be, make appear that they have sustained by means of the said trespass, to be sued for and recovered with costs, in any Court proper to try the same; and such offender or offenders, shall further be liable to indictment for such trespass or trespasses, and on conviction thereof, shall be sentenced to pay a fine, to the use of the Commonwealth, of not less than ten dollars, nor more than one hundred dollars.

Property shall be
divided into
shares.

Proviso.

Shares of delin-
quents may be
sold.

SEC. 6. *Be it further enacted*, That the stock or property of said Corporation shall be divided into three hundred shares, certificates of which shall issue under the seal of said Corporation, and be signed by the President and Treasurer thereof; and the said shares shall be taken and deemed to be personal estate, and may be transferred by endorsement, and such transfer shall be recorded by the Secretary of said Corporation; and said Corporation may make assessments on the shares, for the purpose of effecting the objects of the Corporation: *Provided however*, that the whole amount of assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars. And in case the amounts so assessed on each share, will not supply the necessary funds, the Corporation may raise the funds required, by selling any shares not subscribed for, or by creating any necessary number of shares over and above the said three hundred; and if the proprietor of any share or shares, shall refuse or neglect to pay any assessments, for the term of sixty days after the same hath become due, the share or shares on which there is a delinquency, may be sold at public auction, notice of the time and place being given by the Treasurer of said Corporation in the Gloucester Telegraph printed in Gloucester, or any newspaper printed in the County of Essex, three weeks, at least, before the time appointed for such sale, and also by posting up notifications within the town of Gloucester, ten days, at least, before such sale; and the proceeds of such sale shall be applied to the

payments due on the share or shares, so sold, with incidental charges, and the surplus, if any, shall be paid to the former owner, or his legal representative, on demand, and such sale shall give good and complete title to the purchaser or purchasers of such share or shares, who shall receive a new certificate thereof: *Provided however*, that if before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Proviso.

SEC. 7. *Be it further enacted*, That the said Corporation shall be entitled, to ask and receive for their sole use and benefit, from all vessels, boats, rafts, or other articles coming within said basin, such dockage, and such wharfage on all goods, wares and merchandise, or other articles as shall be landed, or taken off within the limits of said Corporation, as the proprietors thereof may agree upon at a legal meeting held for that purpose. And the said Corporation may contract by the year or otherwise, with any person or persons in the habit of coming within the said basin, in writing, on such terms, as may be mutually agreed upon, and such contract shall be binding on the parties.

May receive wharfage and dockage.

SEC. 8. *Be it further enacted*, That any five of the proprietors named in the first section of this Act, may call the first meeting of said Corporation, to be holden at such time and place, as they may judge proper, of which meeting they shall give notice, by publishing it in the Gloucester Telegraph, printed in Gloucester, or any newspaper printed in the County of Essex, the first publication to be at least fourteen days previous to said meeting, also by posting up said notice within the town of Gloucester, seven days at least before said meeting: and at meetings of said Corporation, each share shall be allowed one vote, and one vote for every additional two shares owned by the same proprietor. *Provided*, *however*, no one proprietor shall be allowed more than ten votes, and absent proprietors may vote by proxy, duly authorised in writing.

First meeting.

Proviso.

SEC. 9. *Be it further enacted*, That this Act may be altered, amended, or repealed at the pleasure of the Legislature.

[Approved by the Governor, Feb. 23, 1828.]

CHAP. LXXVII.

An Act to establish County Commissioners, and to repeal the several Acts establishing the Courts of Sessions and in addition thereto, and the Act establishing Commissioners of Highways.

Acts repealed.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Act entitled “An Act to establish Courts of Sessions,” passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and nineteen; also the Act in addition thereto, passed on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty; also the Act entitled “An Act increasing the numbers and extending the powers of Justices of the Courts of Sessions,” passed on the sixth day of February, in the year of our Lord one thousand eight hundred and twenty-two; also the Act entitled “An Act in addition to an Act directing the method of laying out highways,” passed on the fourth day of March, in the year of our Lord one thousand eight hundred and twenty-six, be and the same are hereby repealed. *Provided however*, That this Act shall in no way affect any highway already adjudged by the Commissioners of Highways for any County, to be of common convenience and necessity, or any highway already laid out or supervised and established, altered or discontinued by said Commissioners,

Proviso.

whether the same be worked or not, or any contract by said Commissioners, or by their direction, entered into, or any liabilities incurred, or rights accrued under the same, but the same and the remedies for enforcing them shall remain as if this Act had not been passed. *And provided also,* That Proviso. wherever the said Commissioners shall have actually commenced, or contracted for, the working of any highway laid out, they shall proceed and complete the same and enforce said contract, as if this Act had not been passed, and the said Commissioners shall be entitled to receive from the Treasuries of their respective Counties, whatever sum or sums of money may, now, or hereafter, be due to them, for services performed under the Act directing such services, when they have not a legal and just claim to receive the same from any other source.

SEC. 2. *Be it further enacted,* That there shall be appointed and commissioned by His Excellency the Governor, by and with the advice and consent of the Council, to hold their office for three years, unless sooner removed by the Governor and Council, four persons to be County Commissioners, for each of the Counties of Essex, Middlesex, Norfolk and Worcester, and three persons to be County Commissioners for each of the other Counties in this Commonwealth, except the County of Suffolk, who shall be residents in the County for which they shall be so appointed, and shall be sworn to the faithful discharge of the duties of their office, and one of whom shall be designated as Chairman, by his Commission.—And any vacancy by death, resignation or otherwise, shall be filled by the Governor and Council. Commissioners to be appointed.

SEC. 3. *Be it further enacted,* That the said County Commissioners shall meet in their respective Counties, for the discharge of the duties of their office, at such times and places as the several Courts of Sessions are now by law required to meet; and the Clerks of the Courts of Common Pleas within the several Counties, shall be Clerks of said County Commissioners. Meetings.

Powers of Commissioners.

SEC. 4. *Be it further enacted*, That from and after the passing of this Act, the said County Commissioners, in their respective Counties, shall have, exercise, and perform, except so far as the same are modified by the provisions of this Act, all the powers, authorities and duties, which before and until the passing of this Act, the several Courts of Sessions or Commissioners of Highways have by law had, exercised and performed. *Provided*, that the powers hereby conferred on the said County Commissioners, not exercised by the Courts of Sessions before the fourth day of March, in the year of our Lord one thousand eight hundred and twenty-six, shall not be exercised by the County Commissioners to be appointed for the County of Nantucket.

Petitions &c. returnable to Commissioners.

SEC. 5. *Be it further enacted*, That all petitions, recognizances, warrants, orders, certificates, reports and processes made to, pending in, taken for, or continued or returnable to the Courts of Sessions, in the several Counties, shall be returnable to, proceeded in, and determined by the respective County Commissioners within, and for the same Counties, at their meeting, which shall be next holden after the passing of this Act. And all petitions, recognizances, warrants, orders, certificates, reports and processes, which shall hereafter be made or taken, shall be made and taken to the County Commissioners, within their respective Counties, at their meeting which shall be holden next after the passing of this Act, in the same manner as they would have been made and taken to the said Courts of Sessions, if this Act had not been passed.

SEC. 6. *Be it further enacted*, That all business relating to the laying out, alteration, or discontinuance, of any highway or common road, now pending before the Commissioners of Highways, in the several Counties, together with all papers, documents and plans relating thereto, excepting those relating to contracts for making highways, when the same have been actually commenced or contracted for, shall be by said Commissioners of High-

way, transferred to the County Commissioners in their respective Counties, who shall proceed thereon according to the provisions of this Act.—And whenever any highway is already laid out or altered in any County which it would be the duty of such County to make, under the provisions of law, and the working of the same is not already commenced by said Commissioners of Highways, or by them contracted to be made, it shall be the duty of said County Commissioners, to do and perform all the Acts, in relation to the making of the same, which it would be incumbent upon the said Commissioners of Highways to do and perform if this Act had not been passed.

SEC. 7. *Be it further enacted*, That whenever a petition shall be presented to any County Commissioners for the laying out, alteration, or discontinuance of any highway or common road, the said Commissioners shall cause a copy thereof to be served upon the Clerk of the town or towns, district or districts, within which the said laying out, alteration or discontinuance, is prayed for, thirty days, at least, before any view of the premises, or any hearing or adjudication thereon, and shall also give such other notice to all persons and Corporations interested therein, by causing a copy thereof to be published in some newspaper printed in the County, if any such there be, three weeks successively, the last publication to be fourteen days at least before such view, hearing, or adjudication, and by causing copies of said petition, or abstracts containing the substance thereof, to be posted up in two public places in each of the said towns or districts, fourteen days before said view, hearing or adjudication. And it shall be the duty of said County Commissioners, to view the premises, in all cases, when thereto requested by the petitioners, and in all other cases, when the said Commissioners shall deem a view expedient and proper, first giving notice to all persons, and corporations interested, of the time and place of such view in manner as aforesaid : and after hearing the parties at the time of

Highway or
Common Road.

such view, or at their next regular meeting, or at some adjournment of such regular meeting, as they shall judge expedient, they shall at said next regular meeting or at such adjourned meeting, or as soon as may be thereafter, consider, and adjudicate upon, the common convenience and necessity of laying out, altering or discontinuing the said highway or road. And when they shall order any highway or road to be laid out, or altered, the said County Commissioners shall perform all the duties by law required of Committees for laying out highways. And they shall also determine, and specify in their return of said laying out or alteration, the manner in which the highway or road so laid out, or altered, shall be made, and the time or times within which the same shall be completed. And if, after the establishment of said highway or road by said Commissioners at their regular or adjourned meeting, the town or towns, district or districts, whose duty it is to make the same, shall not, within the time or times and in the manner by said Commissioners prescribed, complete the same to the acceptance of said Commissioners, the said Commissioners, shall, as soon as may be, cause the same to be completed, and at their next regular meeting shall order the expenses and charges therefor to be paid out of the County Treasury, and shall order notice thereof to be given to the town or towns, district or districts so delinquent, and the part thereof each town or district is to pay : And if the town or towns, district or districts, so delinquent, do not, before the next regular meeting of said Commissioners, pay their proportion of said expenses and charges, with ten per cent. per annum interest thereon, from the time the same are ordered to be paid from the County Treasury, the said Commissioners shall issue a warrant or warrants for said sum or sums, including interest at the same rate, against said town or towns, district or districts, to be collected as other warrants, and paid into the County Treasury.

SEC. 8. *Be it further enacted*, That whenever the

County Commissioners of any County shall lay out, or alter, and establish any highway or common road, which they shall judge will be of general use and importance to the public, they shall have power, if they see fit, to order and direct, that a sum not exceeding one half part of the whole expense of making said highway or road, as estimated by them, shall be paid out of the County Treasury, specifying the proportion thereof to be paid to each town or district by law liable to make the same, if more than one. *Provided*, That no more than one half the estimated expense of making said highway or road within any one town or district, shall be paid to said town or district; and when any town or district to which such allowance is made, shall have completed their part of said highway to the acceptance of said Commissioners, the said Commissioners, after having examined the same throughout, shall give them a certificate thereof, which being produced to the County Treasurer, he shall pay to said town or district the sum so allowed them.

Expense, &c. to
be paid from
County Treas-
ury.

Proviso.

SEC. 9. *Be it further enacted*, That for each of the Counties in the Commonwealth, except the Counties of Suffolk, Middlesex, Essex, Worcester, Norfolk and Nantucket, there shall be appointed and commissioned in the manner prescribed in the second section of this Act, two persons to act as Special County Commissioners, who shall be sworn to the faithful discharge of the duties of their office; and whenever the standing Commissioners of any County shall be unable to hear and determine any matter or thing pending before them, at any regular meeting of said Commissioners, the cause thereof shall be assigned on the record, and a summons shall issue, requiring one or both of said Special Commissioners, as the necessity of the case may require, to attend upon the meeting of said Commissioners, at the time and place therein set forth; and whenever the standing Commissioners shall be required to view the premises, on any petition to lay out, alter, or discontinue any highway, or to lay out or alter any highway, or to do any other matter or thing

Special County
Commissioners
to be appointed.

prescribed by law for them to do, at any other time, than at a regular meeting of said Commissioners, and there shall be a vacancy in their numbers, or any one or more of them shall be unable to act therein, such of said standing Commissioners as are able so to act, shall in writing notify and summon one or both of said Special Commissioners, as the necessity of the case may require, to attend the meeting of said Commissioners, at the time and place therein set forth; and the said Special Commissioners, when attending to the duties of their office, shall have the same power as the standing Commissioners.

Foes.

SEC. 10. *Be it further enacted*, That for all services performed by said standing Commissioners, or said Special Commissioners, each of them shall receive at the rate of one dollar for every ten miles actually travelled by them in the discharge of the duties of their office, and three dollars per day for all time spent by them on said duties, provided they shall not receive pay per day and for travelling at the same time, and not on more than one petition, or for services on more than one road at the same time.

Petitioners to
give security.

SEC. 11. *Be it further enacted*, That no petition for the laying out, alteration, or discontinuance of any highway or common road, or for a jury in relation thereto, or in consequence thereof, shall be proceeded upon, by the County Commissioners of any County, until the petitioner or petitioners shall cause a sufficient recognizance to be given to the County, with such surety as the said Commissioners shall accept, to pay all the costs made in pursuance thereof, in case such petition shall not prevail. And in case such highway or road shall be finally laid out and established, altered or discontinued, all the expenses of the Commissioners, and of the view, and of the laying out or alteration, and all damages allowed for the laying out, alteration, or discontinuance, shall be paid out of the County Treasury. And in case the said highway or road shall not be finally laid out, and established, altered, or discon-

tinued, all the said expenses shall be paid by the person or persons recognizing therefor as aforesaid. And if the same are not so paid, they shall be paid from the County Treasury. And on the neglect or refusal of the person or persons so recognizing, to pay the same, after due notice given, the said Commissioners shall issue a warrant against him or them, for the amount of said expenses, with the costs of the notice and warrant, to be collected as other warrants, and the money paid into the County Treasurer.

SEC. 12. *Be it further enacted*, That no petition for a jury, in relation to the locating, altering, or discontinuing any highway, or to the estimating damages, or for a committee, if the same shall be agreed upon, shall be sustained, unless it is presented as soon as the regular meeting of the Commissioners, next after that at which such laying out, alteration, or discontinuance is established. And such jury shall, in all cases, consist of twelve persons, and no more than three persons shall be taken from any one town, excepting that in Dukes County four may be taken from each town, and their verdict shall be agreed upon within three months from the time that such jury may be ordered, and shall be returned to the Court of Common Pleas for the County in which such petition is preferred, to be holden next after the same shall be agreed upon; and the said Court shall adjudicate upon said verdict, and may set the same aside for good cause shown, and the Clerk of the said Court shall return a certified copy of said verdict, with the adjudication of the said Court thereon endorsed, at the meeting of the Commissioners next after the term of said Court at which such adjudication shall be had; and in case the said verdict shall be set aside, the Commissioners shall, on application, order a new jury, and thereupon the same proceedings may be had as is herein before provided. And whenever such petition is presented, the said Commissioners shall, ex-officio, take notice thereof in behalf of the County, without farther notice to the County; and they shall have power, in behalf of

Petition for a jury, how sustained.

Number of jury from each town

the County, to agree with the petitioners to substitute a committee in the place of the jury prayed for, whose report shall be returned at the meeting of the Commissioners, next after that at which such committee shall be agreed upon, or the same shall be set aside, unless for good cause shown, the said Commissioners should allow the same to be returned at the next succeeding meeting. And the said Commissioners shall, if they see fit, appoint some person to attend upon said jury or committee, as agent of the County, who shall be allowed therefor at the same rate as is allowed to said Commissioners for their services, and to be paid in the same way. And it shall be the duty of the officers summoning such jury, or of such committee, if so substituted, to give the said agent reasonable notice of the time and place of their meeting. And if said jury or committee shall not alter said way, or increase the damages, the cost incurred in pursuance thereof shall be paid in the same way as is provided in the eleventh section of this act, by the person or persons recognizing therefor as aforesaid; otherwise the costs, and all increase of damages, shall be paid by the County; and whenever the said Commissioners shall order a jury, or Committee agreed upon to consider and report upon the laying out, alteration, or discontinuance of any highway, the way so laid out or altered shall not be opened or worked, and the way so discontinued, shall not be closed up, until after the meeting of the Commissioners, at which a certified copy of the verdict of such jury on the report of such committee, is by the provisions aforesaid returnable. And in such case, the said Commissioners may allow such further time as they shall judge reasonable for the town or towns by law liable therefor, to make and complete said highway.

Private, or town
ways.

SEC. 13. *Be it further enacted*, That when, pursuant to the statute in that behalf provided, application shall be made to any County Commissioners, to lay out a private or town way, which the Selectmen of a town or district have unreasonably neg-

lected or refused to lay out, or the town or district have unreasonably neglected or refused to approve and allow of, or when a petition shall be preferred to said Commissioners for the discontinuance of any private or town way, before any proceedings had thereon, the petitioner or petitioners shall cause a like recognizance to be given to the County, as is herein provided in regard to common highways, and the same proceedings may be had thereon; and the said Commissioners shall cause the same notice to be given of the pendency of said petition, as in case of common highways, and shall view the premises, if they deem a view expedient and proper, first giving notice of such view, as in case of common highways; and when they shall order a private or town way to be laid out, it shall be done by said Commissioners, as herein before provided in regard to common highways: *Provided*, that all the expenses of laying out and making such ways shall be borne as heretofore provided in regard to town and private ways.

SEC. 14. *Be it further enacted*. That whenever any Turnpike Corporation, in pursuance of a vote of the proprietors thereof, at a legal meeting, shall make application to the County Commissioners of any County, setting forth their desire to relinquish and abandon their franchise as to the whole or any part of the turnpike road which they are bound to support in their said County, and that the same may be laid out and established as a common highway, the said County Commissioners shall have jurisdiction thereof as in case of other petitions for laying out highways, and may view the premises, and lay out and establish a highway upon and over the same premises, or any part thereof, or may vary and alter the same, in such parts as they judge expedient and proper; and in the assessment of damages therefor they shall allow to any person or persons, corporation or corporations, injured thereby, such damages as they would justly be entitled to receive, over and above the injury sustained by the continuance of the same as a turnpike road, and no more, taking

Turnpike roads.

into consideration any advantage which might accrue in consequence of making the same a public highway free of toll ; and whenever the same shall be established as aforesaid, all the rights, privileges, duties and obligations of the said Turnpike Corporation, so far as they relate to that part of the road so laid out or altered, shall be of no force and effect.

[Approved by the Governor, Feb. 26, 1828.]

CHAP. LXXVIII.

An Act to incorporate the Plymouth County Mutual Fire Insurance Company.

Persons incor-
porated.

Name.

Choice of Direc-
tors.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That David Nye, William Fearing, Elijah Willis, John Atsait, Joseph Meigs, and their associates, shall be a Corporation, by the name of the Plymouth County Mutual Fire Insurance Company, and possess all the powers and privileges incident to such Corporations, for the term of twenty-eight years.

SEC. 2. *Be it further enacted,* That said Corporation shall choose a number of Directors, not less than five, and such other officers, and establish such by-laws, as they may deem necessary, not inconsistent with the Constitution and laws of this Commonwealth ; and in all matters decided in any general meeting of said Corporation, each member shall have a right to as many votes as he has policies, and may vote by proxy.

SEC. 3. *Be it further enacted,* That when the sum subscribed by the associates to be insured shall amount to the sum of fifty thousand dollars, said Corporation shall then be authorized to insure for

the term of one to seven years, any dwelling house or other buildings in the County of Plymouth, (except in the town of Hingham,) to any amount not exceeding three fourths of the value of the property insured.

SEC. 4. *Be it further enacted*, That the funds of the Corporation shall be vested in stocks or loaned on such security, as the Directors may order, and shall be appropriated first to pay the expenses of the Corporation, and next to pay the damages which any member may be entitled to recover on his policy. In case any member shall have a just claim against the Corporation exceeding the amount of their then existing funds, the Directors shall, without delay, assess such sum as may be necessary, on the members, which assessment shall be in proportion to the amount of their premiums and deposits, but shall not in any case exceed double the amount of said premiums and deposits.

Funds to be vested in stocks, or loaned.

SEC. 5. *Be it further enacted*, That whenever any member shall recover judgment against said Corporation, and the Directors shall neglect to satisfy and pay the same within sixty days after demand made for that purpose upon the Treasurer, Clerk, or any Director of said Corporation, then the execution issuing upon such judgment may be levied upon the private property of any of said Directors, to the amount of the excess of the funds of the Corporation, together with the amount of all the assessments they are authorized to make, over and above the amount due on judgments previously demanded; and any Directors who may have their property taken may sustain an action on the case, to recover compensation therefor of the Corporation, or a proportional part thereof, and contribution therefor of the other Directors.

Private property of Directors liable.

SEC. 6. *Be it further enacted*, That whenever the term of any policy shall expire, the member of said Corporation holding said policy shall have a right to demand of said Corporation his just proportion of all the funds belonging to the same.

SEC. 7. *Be it further enacted*, That said Corpora-

First meeting.

tion shall be liable to be taxed by any general law of the Commonwealth. Any member of said Corporation named in this Act, may call the first meeting, by publishing notice thereof in the Old Colony Memorial printed in Plymouth, and the New Bedford Mercury printed in New Bedford, fourteen days before the time of said meeting.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXIX.

An Act to establish the Weymouth and Braintree Academy.

Persons incorporated.

May have a common seal.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Cotton Tufts, Joseph Loud, Noah Fifield, Ezra W. Sampson, and such others as now are, or hereafter may be associated with them, be, and they hereby are, made a body politic and corporate, by the name of the Proprietors of the Weymouth and Braintree Academy, and by that name shall sue and be sued, plead and be impleaded, shall have a common seal, which they may alter at pleasure, and shall have power to appoint all such officers, and to make all such by-laws and regulations, as shall be necessary to conduct, in the best manner, the business of said Corporation, not inconsistent with the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That the number of shares shall be determined by the said Corporation, and no proprietor shall be allowed to hold more than five shares at any one time, or have more than three votes; and that each proprietor shall have one vote for each of the first two shares, and one for the remaining three.

SEC. 3. *Be it further enacted*, That said Corporation may hold real estate not exceeding five thousand dollars, and personal estate not exceeding ten thousand dollars ; and that any Justice of the Peace for the County of Norfolk, to whom application shall be made, may call the first meeting, and appoint the time and place thereof.

May hold real
and personal
estate.

First meeting.

SEC. 4. *Be it further enacted*, That the Legislature may, at any time hereafter, alter or repeal this Act.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXX.

An Act to incorporate the Proprietors of Ipswich Academy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Lord, Junior, Joseph Farley, Ammi R. Smith, George W. Hart and Charles Kimball, and such as now are, or hereafter may be associated with them, be, and they are hereby made a body politic and corporate, by the name of the Proprietors of Ipswich Academy, with power to have a common seal, and to alter it at pleasure, to sue and be sued, plead and be impleaded, to make all such by-laws, and perform all such acts, as may be found necessary to conduct the business of said Corporation : *Provided*, such by-laws be not repugnant to the Constitution and laws of this Commonwealth.

Persons incorpo-
rated.

Name.

Proviso.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to hold real estate not exceeding the sum of eight thousand dollars, and personal estate, not exceeding ten thousand dollars ;

May hold real
and personal
estate.

and to make all such assessments from time to time on the shares of said Corporation, as the proprietors thereof may find necessary.

First meeting.

SEC. 3. *Be it further enacted*, That the said Charles Kimball may call the first meeting, and appoint the time and place thereof: *Provided, nevertheless*, that nothing in this Act shall be so construed, as to prevent the Legislature from altering or repealing it at any time hereafter.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXI.

An Act to incorporate the First Methodist Episcopal Society in Edgartown.

Persons incorporated.

Name.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Chase Pease, Thomas M. Coffin, Joseph Vincent, Thomas Stewart, Henry Ripley, Isaiah D. Pease, Jeremiah Pease, Jeremiah Banning, Uriah Morse, Matthew Vincent, William Jernegan, Jr. Hiram Jernegan, Frederick Baylies, Jr. Cyrus B. Worth, Daniel Butler, Arnold Butler, Lot Norton, Elihu P. Norton, Ariel Norton, Richard W. Jernegan, and Luke Gray, all of Edgartown, in Dukes County, together with such other persons as may hereafter associate with them, be, and they hereby are incorporated into a religious society in said town of Edgartown, and made a body politic, by the name of the First Methodist Episcopal Society in Edgartown, with all the privileges, powers, and immunities, to which religious societies are entitled by the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said body politic shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the Constitution and laws of this Commonwealth. May have common seal.

SEC. 3. *Be it further enacted*, That said body politic may hold property, real or personal, or both, to an amount not exceeding six thousand dollars, for the purpose of supporting, with the income of the same, the preaching of the gospel. May hold real and personal estate.

SEC. 4. *Be it further enacted*, That said body politic shall, at their first annual meeting, elect a Clerk, Treasurer, and seven Trustees, to exercise such powers, and to be subject to such liabilities, as shall be prescribed by the by-laws of such body politic. Annual meeting.

SEC. 5. *Be it further enacted*, That this act shall be subject to the will of the Legislature, to be altered or repealed at their pleasure.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXII.

An Act to incorporate the East Bridgewater Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Wheeler, Wallace Rust, and Allen Whitman, with such others as already are, or hereafter may be associated with them, their successors, and assigns, be, and they hereby are, made a Corporation, by the name of the East Bridgewater Manufacturing Company, Persons incorporated. Name.

for the purpose of manufacturing cotton goods in the town of East Bridgewater in the County of Plymouth, and shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and also the several acts in addition thereto.

Capital stock,
&c.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall not exceed one hundred and twenty-five thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of twenty-five thousand dollars.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXIII.

An Act to incorporate the Oxford Woollen Manufacturing Company.

Persons incorpo-
rated.

Name.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Lyman Tiffany, Sylvanus Holbrook, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are, made a corporation, by the name of the Oxford Woollen Manufacturing Company, for the purpose of manufacturing wool and cotton in Oxford, in the County of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March,

in the year of our Lord one thousand eight hundred and nine, defining the general powers and duties of Manufacturing Corporations, and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of wool and cotton, at Oxford aforesaid. Powers, &c.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXIV.

An Act to incorporate the Third Congregational Society in Reading.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Edmund Parker, Silas Smith, Nehemiah Bancroft, Thomas Harts-horn, Charles Parker, and Samuel Parker, with such as are, or may be associated with them, be, and they are hereby incorporated into a religious society, by the name of the Third Congregational Society in Reading, with all the powers, privileges, and immunities, to which parishes, and other religious societies are, by the laws and Constitution of this Commonwealth, entitled; and shall also have power to take, hold, and possess, by gift, grant, devise, or otherwise, any personal or real estate, for the purpose of supporting public worship, and other parochial and charitable purposes, and not exceeding in the annual income one thousand dollars; and Persons incorpo-
rated.

Name.

Powers, &c.

shall have authority also to choose and appoint all such officers, and make all such by-laws and regulations, as may seem to them expedient or convenient for the due government of said Society, and the management of their funds, and other parochial concerns : *Provided*, such by-laws and regulations be in no wise contrary to the laws and Constitution of this Commonwealth ; and all meetings of the said Society shall be called and warned in such manner as the by-laws and regulations thereof shall provide.

First meeting.

SEC. 2. *Be it further enacted*, That Edmund Parker be, and he is hereby, authorized to call the first meeting of said Society, by posting up notifications thereof in two or more public places in said Reading, specifying the time, place, and the object of said meeting, seven days, at least, before the time appointed for said meeting ; and at such meeting, said Society may choose all such officers as they shall think fit, and as parishes are by law required to choose, in the month of March or April annually, and to transact such other business as may be deemed necessary or proper to be done and transacted by said Society.

SEC. 3. *Be it further enacted*, That this act may be altered, amended, or repealed at the pleasure of the Legislature.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXV.

An Act to incorporate the Orr Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Nathaniel Wheeler, Persons incor- Wallace Rust, and Allen Whitman, with such others porated. as already are, or hereafter may be, associated with them, their successors, and assigns, be, and they hereby are, made a corporation, by the name of the Name. Orr Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of East Bridgewater, in the County of Plymouth, and shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations, and also the several acts in addition thereto."

SEC. 2. *Be it further enacted,* That the capital stock of said Corporation shall not exceed one hundred and twenty-five thousand dollars; and they may be lawfully seized and possessed of such real Powers. estate as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of twenty-five thousand dollars.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXVI.

An Act to incorporate the Yearly Meeting of
Friends for New-England.Persons incorpo-
rated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Moses Brown, David Buffum, William Rotch, Jun. Rowland Green, William Almy, Estes Newhall, Daniel Johnson, John Osborne, James Hoag, Abraham Wilkinson, William Buffum, Jr. Enoch Breed, Samuel F. Hussey, Abraham Sherman, Jun. Daniel Howland, Abijah Chase, Thomas Howland, William Jenkins, Isaac Bassett, Jun. and Stephen A. Chase, together with the other members of the Yearly Meeting of Friends for New-England, and their successors, be, and they hereby are made a body politic in this Commonwealth, by the name of the Yearly Meeting of Friends for New-England, with power to take and hold, in their corporate capacity, in the City of Boston, and other places within this Commonwealth, real or personal estate, for religious and charitable purposes, provided the nett income thereof shall not exceed, in any one year, the sum of three thousand dollars.

Name.

Powers.

SEC. 2. *Be it further enacted,* That the said Yearly Meeting may, from time to time, convey to any person or persons, any of their said real estate; and a deed executed by their Committee, called the meeting for sufferings, or a majority of them, under their hands and seals, and acknowledged and recorded according to law, shall be sufficient to pass the title of said Yearly Meeting thereto.

SEC. 3. *Be it further enacted,* That this act may, at any time, be altered or repealed at the pleasure of the Legislature.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXVII.

An Act in addition to an Act entitled "An Act to authorize towns in the County of Franklin to associate together to build an Almshouse for the support of their Poor."

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the several towns in said County, not named in the act to which this is in addition, may, within five years from the passing of said act, avail themselves of the provisions thereof, upon the conditions therein contained.

SEC. 2. *Be it further enacted,* That the several towns which may associate together for the purposes enumerated in said act, may choose their several agents, therein authorized, to be chosen at any town meeting legally warned for that purpose, any thing in the act to which this is in addition, to the contrary notwithstanding.

Towns may
choose agents.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXVIII.

An Act giving relief in Equity in cases of Waste and Nuisance.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the Supreme Judicial Court may hear and determine in Equity, any matter touching Waste or Nuisance, in which there is not a plain, adequate, and com-

Power of Jus-
tices.

plete remedy at law. And whenever it shall be necessary and proper to have any fact or facts in such case tried by a Jury, it shall be done in such manner as the Court shall direct; and any one or more of said Justices, in term time, or in vacation, may issue writs of injunction to stay any Waste or Nuisance, and make such orders and decrees relative thereto, and issue such processes proper to enforce the same, as justice and equity may require, which injunctions may be dissolved, whenever the Justice or Justices granting the same, or a majority of the Justices of the Supreme Judicial Court, shall see fit.

[Approved by the Governor, Feb. 28, 1828.]

CHAP. LXXXIX.

An Act in addition to an Act entitled "An Act to incorporate the Pawtucket Congregational Society."

WHEREAS, in and by the act aforesaid, the name of Eliphalet Starke was, by mistake, inserted, instead of the name of Eliphalet Slack,—Therefore,

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said Pawtucket Congregational Society shall be empowered to hold and enjoy a certain fund given to the said religious society by the said Eliphalet Slack, in the same manner as in and by the act aforesaid, they are entitled to hold and enjoy a fund given by the said Eliphalet Starke.*

[Approved by the Governor, March 1, 1828.]

CHAP. XC.

An Act to establish the Town of Pawtucket.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the northwest part of the town of Seekonk within the following lines, namely; beginning at a bend of the Seekonk river, about forty rods south of the mouth of Beverage brook so called, thence running a due east course till it strikes the Ten Mile river, so called, thence by said river till it comes to the Attleborough line, including the Island on which Kent's Factory is situated, also the bridge a few rods north of said Kent's Factory, which shall in future be supported by the said town of Pawtucket; thence westerly on the Attleborough line till it comes to the Rhode-Island line; thence southerly on said Rhode-Island line, till it comes to the first corner, with all the inhabitants living thereon, be incorporated into a town by the name of Pawtucket, with all the powers and privileges, and subject to all the duties and requisitions that towns within this Commonwealth do or may enjoy, or be subject to. Boundary.

SEC. 2. *Be it further enacted,* That the inhabitants of the said town of Pawtucket shall be holden to pay all arrears of taxes which have been duly assessed upon them by the town of Seekonk, together with their proportion of all debts due from said town of Seekonk, prior to the date of this Act; and the said town of Pawtucket shall be entitled to receive their proportion of all debts and taxes due to the said town of Seekonk, when collected and paid into the Treasury of said town; and the said town of Pawtucket shall be entitled to hold their proportion according to the last valuation of all the real and personal property, including the legacy of the late Eliphalet Slack, belonging to the town of Seekonk before the passing of this Act, except so much Arrears of taxes,
&c.

of said property as is hereafter mentioned ; and, whereas, by an Act of this General Court passed the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and twelve, entitled an Act to establish the town of Seekonk, it is enacted that all the expenses arising from the support of the poor, which had become chargeable to the town of Rehoboth, together with such poor as have removed out of said Rehoboth prior to the said Act, but who might thereafter be lawfully returned to said town for support, shall be equally divided between the towns of Rehoboth and Seekonk ;—

Paupers.

SEC. 3. *Be it further enacted*, That the said town of Pawtucket shall be held to pay one third of the expenses to which the said town of Seekonk may hereafter become liable in consequence of said provision, and when the said town of Pawtucket shall be organized, the paupers supported by said town of Seekonk in pursuance of said provision, whether the same be supported in whole or in part only, shall be divided as nearly as may be, and one third thereof delivered over to the overseers of the poor of the said town of Pawtucket, to be by them in future supported ; and all persons who may hereafter become chargeable as paupers to the said towns of Seekonk and Pawtucket, shall be considered as belonging to that town on the limits of which they had their settlement at the time of the passing of this Act, and shall in future be chargeable to that town only.

Poor.

SEC. 4. *Be it further enacted*, That the poor now supported by the town of Seekonk, and all such who may hereafter be returned for support, in virtue of having acquired a settlement in said town, shall be supported by the town within the territorial limits of which they have acquired their settlement.

State and County taxes, &c.

SEC. 5. *Be it further enacted*, That until a new valuation is taken by the Commonwealth, the State and County taxes and any reimbursements required by the Commonwealth for the payment of the Representation of the present and past years of said

town of Seekonk, which may be called for from said towns of Seekonk and Pawtucket, shall be paid jointly by said towns, and in the proportion of two thirds for said town of Seekonk, and one third for said town of Pawtucket.

SEC. 6. *Be it further enacted*, That the said town of Pawtucket shall have no claim to the Town House, and also a certain parcel of real estate, known by the name of Kittle Point, and is owned by the towns of Seekonk and Rehoboth; and the said town of Pawtucket shall not be liable to pay any expenses that have, or may accrue, on account of said estate; and the said town of Seekonk shall also retain to their own use the school fund so called.

SEC. 7. *Be it further enacted*, That any Justice of the Peace in the County of Bristol, be, and hereby is, authorized to issue his warrant, directed to some suitable inhabitant of Pawtucket, requiring him to notify and warn the inhabitants of the said town of Pawtucket, to assemble and meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose and appoint at their annual town meetings.

[Approved by the Governor, March 1, 1828.]

CHAP. XCI.

An Act to incorporate the Trustees of the Parochial Funds of the Congregational Church and Parish in Millbury.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Caleb Burbank, Amasa Braman, John Jacobs, Josiah Woodward, and Phineas Longley, be, and they hereby are in-

Name.

May have common seal, &c.

Proviso.

Powers of Trustees.

Duties of the Trustees.

corporated and constituted a body politic, by the name and title of the Trustees of the Parochial Funds of the Congregational Church and Parish in Millbury ; they shall have a Common Seal, which they may alter at pleasure ; may sue and be sued, and prosecute to final judgment and execution ; and the said Trustees shall have power to take, hold, collect and manage at their discretion, all such subscriptions and other securities for money, and all gifts, grants and bequests of real and personal estate as have been made, or shall hereafter be made, by any person or persons, for the maintenance of the gospel ministry in said Church and Parish : *Provided, always,* that the whole income of such property and estate shall not exceed the sum of twelve hundred dollars annually. The said Trustees shall also have power to appoint their own officers, and define their powers, and make such by-laws, from time to time, as they shall find necessary for the better management of the affairs of their trust, provided the same shall not be repugnant to the Constitution and laws of this Commonwealth : and, in general, they shall enjoy all the rights, and be subject to all the liabilities common to corporations of a similar character.

SEC. 2. *Be it further enacted,* That the number of said Trustees shall never be less than five, three of whom shall constitute a quorum for transacting business ; they shall fill all vacancies which may happen in their body, and have power to remove any member who may become unfit, or incapable, from age, infirmity, or otherwise, of discharging the duties of his office ; and the said Trustees shall always be inhabitants of said town, and members of said Church or Parish : and it shall be the duty of said Trustees to invest and manage the funds aforesaid, according to their best discretion, to make them most productive, and shall annually appropriate the interest or proceeds thereof for the support and maintenance of the gospel ministry in said parish : and the Trustees aforesaid shall, in the month of March or April, each and every year, make a

full and particular statement, to the said Church and Parish, of the amount and situation of the funds committed to them in trust as aforesaid, and the manner in which the interest or proceeds thereof have been appropriated.

SEC. 3. *Be it further enacted*, That Caleb Burbank be, and he hereby is authorized and empowered, to call the first meeting of said Trustees.

SEC. 4. *Be it further enacted*, That this Act may be altered, amended or repealed at the pleasure of the Legislature.

[Approved by the Governor, March 1, 1828.]

CHAP. XCII.

An Act to incorporate the South Parish in Natick.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Isaac Biglow, Elijah Perry, Phares Sawin, Abraham Biglow, John Bacon, Jun. Leonard Perry, Charles Morse, Benjamin Bird, William Perry, Lindall Perry, Amory Morse, John P. Barnes, Oliver Bacon, Hannah Draper, Isaiah Baron, William Drake, Dexter Whiting, Samuel Jones, Lowell Perry, Pardon Albee, John Atkins, Jun. Thomas Phillips, John P. Breck, Stephen H. Spaulding, Baxter Sawin, John Mann, John Morse, 2d, Calvin Sawin, Isaac Biglow, Jun. and Job Brooks, with such others as may hereafter associate with them, and their successors, be, and they hereby are made a body corporate, by the name of the South Parish in Natick, with all the powers, privileges, and immunities, to which parishes are entitled by the Constitution and laws of this Commonwealth.

Persons incorporated.

Name.

Powers.

SEC. 2. *Be it further enacted*, That, for all the purposes of providing for the worship of God, the said parish shall have power to raise such sums of money as may, from time to time, be deemed expedient, by a tax on the polls and estates of all the members thereof, and in general, to manage the prudential affairs of the Parish according to law; and said Parish shall have power to hold real and personal estate, the annual income of which shall not exceed the sum of one thousand dollars.

First meeting.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, may, on the written application of any ten members of said parish, call the first meeting thereof, by a warrant, to be served on all the members, seven days, at least, previous to the meeting, by any one of the applicants; which warrant shall specify the time, place, and business of the meeting, and said Justice shall call said meeting to order, and shall preside in the choice of a Clerk of said parish.

SEC. 4. *Be it further enacted*, That this act may, at any time, be amended or repealed at the pleasure of the Legislature.

[Approved by the Governor, March 1, 1828.]

CHAP. XCIII.

An Act relating to the Appointment of Engine Men in the town of Worcester.

Selectmen may
appoint Engine-
men.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Selectmen of said town be, and they hereby are authorized, if they shall judge it expedient, to nominate and appoint any number of Engine Men, in addition to the

number now authorized by law, not exceeding in the whole thirty men for each and every Engine, four men for each hose carriage, thirty men to be employed as a hook and ladder company, and twenty five men to be employed as a hose company; and the said Engine Men are authorized to organize themselves into distinct Companies under the direction of the Selectmen of said town, to elect Directors, Clerks and other officers, to establish such rules and regulations as may be approved by the said Selectmen, and to annex penalties to the same which may be recovered by the Clerk of any Company so organized, before any Justice of the Peace in the County of Worcester: *Provided* that no penalty shall exceed the sum of five dollars, and that such rules and regulations shall not be repugnant to the laws and Constitution of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Selectmen shall have the care and superintendance of the public engines, hose carriages, fire hooks, and ladders, together with the fixtures and appendages thereto belonging, and shall cause the same to be kept in good repair, and may, from time to time, make such alterations and improvements therein, as they shall deem expedient.

Selectmen shall have the care of engines, &c.

SEC. 3. *Be it further enacted*, That if any person shall, within the town of Worcester, wantonly or maliciously spoil, break, injure, damage, or render useless, any public engine, hose carriage, fire hooks, or ladders, or any fixture or appendage thereto belonging, and shall be convicted thereof, before the Supreme Judicial Court, or Court of Common Pleas, he shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment, not exceeding two years, at the discretion of the Court, and be further ordered to recognize, with sufficient surety or sureties, in such sum as the Court shall order, for his good behaviour, for such term as may be ordered by said Court.

Penalty.

[Approved by the Governor, March 3, 1828.]

CHAP. XCIV.

An Act to alter the time of holding one of the terms of the Court of Common Pleas for the County of Barnstable.

Time altered.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That instead of the third Tuesday in April, the Court of Common Pleas shall hereafter be holden at Barnstable, on the Tuesday next succeeding the third Monday of April annually, any law to the contrary notwithstanding.

Writs, &c. how returnable.

SEC. 2. *Be it further enacted,* That all actions, suits, writs, processes, precepts, appeals, recognizances, and all matters whatsoever, already commenced, sued out, or pending in said Court, or that hereafter may be commenced, sued out, or made returnable to the Court aforesaid on the third Tuesday of April, and all actions, suits, processes, recognizances, and prosecutions of every kind now pending, or that may be pending before the Court aforesaid, which, before the passing of this act, was to have been holden on the said third Tuesday of April, shall be returnable to, entered, made, proceeded upon, prosecuted and determined, agreeably to the intent of such actions, writs, suits, processes, appeals, recognizances and prosecutions, before the said Court to be holden by virtue of this Act at said Barnstable, on the said Tuesday next following the third Monday of April.

[Approved by the Governor, March 4, 1828.]

CHAP. XCV.

An Act in addition to an Act entitled "An Act to incorporate certain persons by the name of the Trustees of the Ministerial Funds of the Congregational Society in the Town of Malden, in the County of Middlesex."

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathan Nichols, Thomas Oakes, Joseph Lynde, William H. Richardson, and Charles Lewis, or any three of them, members of the Congregational Society, commonly called the First Parish in Malden, and on the first day of August last, chosen a committee thereof, be, and they hereby are, authorized and empowered, on the application in writing, of any ten of the members of said First Parish in Malden to call a meeting of the legal voters of said parish, to be holden at such time and place, within the town of Malden, in the month of March or April next, as they may deem proper, by posting in two public places, at least, in said Malden, an attested copy of their warrant, for that purpose, at least ten days previous to the time of holding said meeting. And at the same meeting, it shall be lawful for the members of said First Parish, qualified to vote in parish affairs, to choose such officers, and transact all such business, as parishes are by law authorized to choose, and transact, at their annual meetings in the month of March or April.

Persons empowered to call meeting.

SEC. 2. *Be it further enacted*, That the members of the said First Parish may, at the same meeting, to be holden as above, and it shall be their duty, then to elect, by ballot, five persons, being members thereof, to be Trustees of the Ministerial Funds aforesaid, who shall have all the powers, and be subject to all the duties and liabilities which are provided in and by the act to which this is in addition; the said Trustees performing the same du-

Trustees shall be elected.

ties in relation to the assessors of said First Parish, which by the act aforesaid, they are bound to perform in relation to the assessors of the town of Malden. And it shall be the duty of the said First Parish, or Congregational Society, ever after, in like manner, to elect Trustees of said Ministerial Funds, at their annual meetings in the month of March or April, any thing in the act aforesaid to the contrary notwithstanding.

Repeal.

SEC. 3. *Be it further enacted*, That all parts of the act aforesaid, inconsistent with the provisions of this act, be, and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That the Legislature may hereafter alter, amend, or repeal this act, and the act to which this is in addition, at pleasure.

[Approved by the Governor, March 4, 1828.]

CHAP. XCVI.

An Act to incorporate the Central Baptist Society in Middleborough.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Levi Peirce, Tisdale Lincoln, George Leonard, George Shaw, Lemuel Briggs, James M. Leonard, John Barden, Edward Barden, Josiah Tinkham, Sylvanus Barrows, Benajah Peirce, Ephraim Peirce, Jacob Holmes, Joseph Clark, Thomas Clark, Phebe Oliver, John Morton, John N. Peirce, Elisha Tucker, and Ethan Earle, with such others as may associate with them, and their successors, be, and they are hereby incorporated into a Society, by the name of the Central Baptist Society in Middleborough, with all the privileges, powers and immunities, to which Parishes

Name.

and Religious Societies are entitled by the Constitution and laws of this Commonwealth, and may hold, purchase and receive, by gift, or otherwise, for Parochial purposes, any real or personal estate, not exceeding in value the sum of twenty thousand dollars.

SEC. 2. *Be it further enacted*, That Levi Peirce, be, and he is hereby, authorized to call the first meeting of said Society, by issuing his warrant to some member of said Society, directing him to notify the members thereof to meet at a suitable time and place, to be appointed in said warrant, for the election of its officers, and establishing the mode of calling future meetings.

First meeting

SEC. 3. *Be it further enacted*, That this Act may at any time hereafter, be altered or repealed at the pleasure of the Legislature.

[Approved by the Governor, March 4, 1828.]

CHAP. XCVII.

An Act to incorporate the President, Directors and Company of the East Bridgewater Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Isaac Whitman, Levi Keith, Nahum Mitchell, Ephraim Hyde, Aaron Hobart, John E. Howard, Nathan Lazell, Junior, and Nathaniel Cross, with their associates, successors and assigns, shall be, and are hereby created a Corporation, by the name of the President, Directors and Company of the East Bridgewater Bank, and shall so continue, until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty one, and by that name shall be,

Persons incorporated.

Name.

May have a common seal.

and are hereby, made capable in law to sue and be sued, to plead and be impleaded, defend and be defended, in any Court of Record, or any other place whatever, and also to make, have and use a common seal, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of its concerns; *Provided*, such by-laws, ordinances and regulations, shall be in no wise contrary to the Constitution and laws of this Commonwealth; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein contained.

Amount of capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Bank shall consist of the sum of one hundred thousand dollars in gold and silver, in shares of one hundred dollars each, to be paid in the following manner, viz.; one third part thereof on or before the first day of July next; one third part on or before the first day of November next, and the residue thereof on or before the first day of February next, or at such earlier times as the Stockholders at any meeting may order; and no dividend of profits shall be declared or paid on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this Act; and the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the stock and profits of said Bank, which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns: and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they shall think proper;

Powers, &c.

Provided, however, that nothing herein contained, Proviso.
shall prevent said Corporation from taking and holding real estate on mortgage, or on execution, to any amount, as security for, or in payment of, any debt due to said Corporation: *And provided further,* that no money shall be loaned, or discount made, nor shall any bills be issued from said Bank, until the capital subscribed, and actually paid in, and existing in gold and silver in the vaults of the same, shall amount to fifty thousand dollars.

SEC. 3. *Be it further enacted,* That the rules, limitations and provisions, which are provided in and by the third section of an Act entitled "An Act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established, in the same manner as though especially recited in this Act, excepting that the bond to be given by the Cashier, shall be given in the penal sum of twenty thousand dollars, and the number of Directors to be annually chosen shall be nine, and be inhabitants of, and residents within the County of Plymouth, in said Commonwealth, and accountable for the doings of the whole Board, five of whom may constitute a quorum for transacting business: *Provided,* that the amount of bills of the said Bank in circulation, shall not, at any time, exceed the amount of the capital actually paid in. Cashier's bond

SEC. 4. *Be it further enacted,* That said Bank shall be established and kept in the town of East Bridgewater, in the County of Plymouth. Proviso.

SEC. 5. *Be it further enacted,* That any Committee especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults; and if upon such examination, it shall be found, and after a full hearing of the said Corporation thereon, be determined by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided, this Act of incorporation Bank to be kept in East Bridgewater.

Legislature shall have access to Books, &c.

shall thereupon be declared to be forfeited and void.

SEC. 6. *Be it further enacted,* That the persons herein before named, or any one of them, are authorized to call a meeting of the Stockholders of said Corporation, at a convenient time and place, by advertising the same three weeks successively, in the Old Colony Memorial, printed in Plymouth, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

First meeting.

By-laws, &c.

Choice of Directors.

SEC. 7. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation, herein before provided for: and whenever the Commonwealth shall become interested in said Bank, the Governor and Council shall have a right to appoint four additional Directors, for the management of the same.

Commonwealth may own stock.

Commonwealth may appoint Directors.

SEC. 8. *Be it further enacted,* That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank, altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder, the amount of any note of said Bank, counterfeited, unless such note is printed, or impressed with the stereotype plate, and that said Corporation shall not, at any place whatever, directly, or indirectly, purchase, receive, pay, or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum, than the nominal value expressed in such bill or note; and no loan or discount shall be made, nor shall any note or bill be issued by the said Corporation, or by any person on their account, in any other place than at the said Bank.

Bills and Notes.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of April next, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Stock subject to tax.

SEC. 10. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum.

Shall loan money to the Commonwealth.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year, from the time of passing of this Act; and, in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Governor, March 8, 1828.]

CHAP. XCVIII.

An Act to incorporate the First Methodist Episcopal Society in Medford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Josiah Bracket, Isaac Mc Elroy, George Williams, Jonathan Gross, William James, James D. Yates, Alva Smith, and Lewis Janson, with their associates and successors,

Persons incorporated.

Name.

be, and they are hereby, incorporated into a religious society, by the name of the "First Methodist Episcopal Society in Medford," with all the powers, privileges, and immunities, which parishes are entitled to by the Constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold, real or personal estate, the annual income of which shall not exceed the sum of one thousand dollars, for the purpose of supporting public worship.

Grants, &c. to be under direction of Trustees.

SEC. 2. *Be it further enacted*, That all gifts, grants, or monies, received by said society, shall be under the direction of five Trustees, to be appointed by said Society.

Power of Trustees.

SEC. 3. *Be it further enacted*, That said Trustees be, and they are hereby, vested with, and shall have full power to receive all monies, subscriptions, donations, and securities, for real or personal estate, that may hereafter be given, raised, or subscribed, for the use of said Society; and said Trustees are hereby empowered, by purchase, or operation of law, to take, have, hold, use, improve, and manage, any estate, real or personal, the annual income whereof shall not exceed the sum of one thousand dollars, in trust, for the support and maintenance of the gospel ministry, and other expenses of said Society; and all deeds of pews in the Meeting-house of said Society, duly executed and acknowledged, and recorded by the Clerk of said Society, in a book kept by him for that purpose, shall be good and valid.

First meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, be, and he is hereby empowered, on application therefor, to issue his warrant to some member of said Methodist Episcopal Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose, at their annual meetings, and to transact such other parochial business as may be authorized by said warrant,

SEC. 5. *Be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of the Legislature.

[Approved by the Governor, March 8, 1828.]

CHAP. XCIX.

An Act to incorporate the First Baptist Society in New Bedford.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Coggeshall, Jr. Thomas Barstow, Nathaniel Nelson, and James Tripp, all of New Bedford, together with such other persons as may hereafter associate with them, and their successors, be, and they hereby are, incorporated into a religious society, in the town of New Bedford, and made a body politic, by the name of the First Baptist Society in New Bedford, with all the privileges, powers, and immunities, to which religious societies are entitled by the Constitution and laws of this Commonwealth.

Persons incorporated.

Name.

SEC. 2. *Be it further enacted*, That the said body politic shall have power to make and use a common seal, and the same to break and alter at their pleasure, and to make such by-laws for the regulation and direction of their business, as shall not be repugnant to the Constitution and laws of this Commonwealth.

Powers, &c.

SEC. 3. *Be it further enacted*, That said body politic may hold property, real or personal, or both, to an amount not exceeding twenty-thousand dollars, for the purpose of supporting, with the income of the same, the preaching of the gospel, and other benevolent and religious purposes.

May hold real and personal estate.

First Meeting.

SEC. 4. *Be it further enacted*, That said body politic shall, at their first annual meeting, elect a Clerk, Treasurer, and nine Trustees, with such powers as shall be prescribed by the by-laws of said body politic; and the first meeting thereof may be called by John Coggshall, Jr. who is hereby authorized to issue his warrant therefor, for the choice of officers, and for organizing said Society.

SEC. 5. *Be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of the Legislature.

[Approved by the Governor, March 8, 1828.]

CHAP. C.

An Act to incorporate the Upper Falls Religious Society, and the Proprietors of the Upper Falls Meeting House in Newton.

Persons incorporated.

Name.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Newell Ellis, Otis Pettec, M. P. Sturdivant, David Bushee, J. Sherman, Moses Craft, Elisha Wiswall, Mathias Collins, Jos. Barney, Walter Mc Farland, Caleb Haskell, Whipple Freeman, Elijah Story, Joseph Davenport, Benjamin Davenport, Jr. Oren Colburn, Frederick Cabot, and Rufus Ellis, together with such others as may associate with them, and their successors, be, and they hereby are, incorporated and established as a religious society, by the name of the Upper Falls Religious Society, with the right to hold property, either real, personal, or mixed, the income of which shall not exceed one thousand dollars per annum; and with all the powers and privileges, and subject to all the duties of other re-

ligious societies, according to the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Otis Pettee, Newell Ellis, Rufus Ellis, Frederick Cabot, their associates and successors, be, and they hereby are, incorporated, and made a body politic, by the name of the Proprietors of the Upper Falls Meeting House in Newton, and shall by that name sue and be sued, in all actions in which said Corporation may be concerned; and may also ordain and establish such by-laws and regulations, and choose such officers as to them may seem necessary: *Provided*, such by-laws and regulations shall in no wise be contrary to the Constitution and laws of this Commonwealth.

Persons incorporated.

Name.

SEC. 3. *Be it further enacted*, That the proprietors of the said Meeting House shall have full power to assess upon the individuals composing the same, in proportion to the number of shares in said Meeting House, belonging to them respectively, such sum or sums of money, as shall be sufficient to pay the debts now due from said Corporation, and all necessary future charges, and to assess upon the pews in said house, and upon the polls and estates of the individuals composing said religious society, such expenses as shall be annually voted by the proprietors of said house, for the support of public worship therein; the said expenses to be apportioned in such manner, as the said proprietors, or their proper officers, may think proper; and the said proprietors shall have power, by such officers as they shall appoint for that purpose, to sell, in such way as they shall determine, the pews in said Meeting House, belonging to the said Corporation, and execute deeds to the purchasers thereof.

Powers, &c.

SEC. 4. *Be it further enacted*, That all the taxes or assessments, to which the property and estate of the Eliot Manufacturing Company and Newton Factories are by law liable, for the support of public worship in Newton, or elsewhere in this Commonwealth, shall be laid and assessed by, and payable to, the proprietors of said Meeting House, or

Taxes, &c.

their proper officers, for the support of public worship therein: *Provided however*, that the said Eliot Manufacturing Company, and Newton Factories, shall have a right to pay over to the parishes in Newton or Needham, in which they are now taxed, such part of their taxes as they may think fit, not exceeding one half thereof.

First meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to any member of said Society hereby incorporated, and also to any proprietor of said Meeting House, directing him or them to notify or warn the members of said Society, and the proprietors of said Meeting House, to meet at such time or times, and such place, as shall be expressed in said warrant, for the choice of such officers as the members of said Society, and the proprietors of said House, may respectively think proper.

SEC. 6. *Be it further enacted*, That this act may be altered, amended, or repealed, at any time, at the pleasure of the Legislature.

[Approved by the Governor, March 8, 1828.]

CHAP. CI.

An Act to incorporate the Central Mills.

Persons incorporated.

Name.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Benjamin Joy, Edmund Winchester, Amos Binney and Edmund Monroe, their associates, successors and assigns, be, and they hereby are, made a body politic and corporate, by the name of the Central Mills, and by that name may sue and be sued, prosecute and be prosecuted

to final judgment and execution, and may have all the powers and privileges given usually by Acts of incorporation for manufacturing purposes, subject to the rules, regulations and penalties of the Act, entitled "An Act defining the general powers and duties of Manufacturing Corporations," passed March third, one thousand eight hundred and nine, and the several Acts in addition thereto; and said Corporation may have a common seal, make by-laws for the regulation of their affairs, not repugnant to the laws of this Commonwealth; and may purchase and hold real and personal estate to any amount not exceeding in value fifty thousand dollars, to promote the objects of the Corporation.

May have a common seal.

May hold real and personal estate.

SEC. 2. *Be it further enacted,* That said Corporation shall have the power to build a Dam, beginning at or near the westerly end of Bridge Street at Lechmere Point, so called, in Cambridge in the County of Middlesex, in a Northerly direction across Miller or Willis Creek, to the bank or flats of Pleasant-Hill Farm, in Charlestown, now owned by Benjamin Joy, which Dam shall not be less than twenty-eight feet wide on the top, independent of a good and sufficient side-walk, to be annexed thereto, and shall be so effectually made, as to prevent the tide-water passing through or under the same, and so as to form a Mill-Pond, and enclose the water in said Creek, above the Dam aforesaid, at the height of common tides; and in said Dam, the said Corporation shall construct and make a good and sufficient sluiceway and guard lock, of not less than sixteen feet wide, for the admission of water into the Mill-Pond above said Dam, and for the passage of boats and rafts, which shall have a right to pass and repass through said sluiceway and guard lock free of toll: *Provided*, that no boat or raft shall have a right to pass and repass through said sluiceway and guard lock, except at or near high tide. And said Corporation shall, at their expense, keep some suitable person at all proper times ready to open said guard lock for the passage of boats and rafts; and said Corporation shall have the power

Powers, &c.

Proviso.

Shall make a
Dam, &c.

to build and construct on the sides of said Dam, either above or below the same, and adjoining thereto, such piers, abutments and wharves, as may be necessary for the erection of grist-mills, and other machinery, to be worked by the water of the aforesaid Pond, and further to make and construct a Dam and guard lock or gate across the Canal running from said Creek to Cambridgeport, in such manner as to detain the water in said Creek, and prevent its passing off through said Canal, which guard lock or gate shall be so constructed, as to admit the passage of boats and rafts of not more than sixteen feet wide, which boats or rafts may pass through said guard lock or gate free of toll, at or near high tide, and at no other time: and said Dam and guard lock, or gate, last mentioned, may be built across said Canal, at any place between said Creek and Cambridge street, so called.

Dam shall be
free of toll.

SEC. 3. *Be it further enacted*, That said Corporation shall make and finish the Dam over said Creek, and connect the different parts thereof, so as to render the same a good and substantial road for the passage of men, teams and carriages of all kinds, free of toll, may cut any number of convenient sluiceways in said Dam, maintain and keep up their said works forever, and may sell or lease the right of using the water in said pond, upon such terms, and in such manner, as they may think proper; and no person shall have the right to use or dispose of said water, but with the consent of said Corporation.

SEC. 4. *Be it further enacted*, That if said Corporation, or some person under them, shall not, within three years from the passage of this Act, build and construct said dams, sluiceways, guard locks and gates, and establish mills thereon, employing a power equal to turning two pair of common mill stones, then this Act shall be void.

Damages, how
recovered.

SEC. 5. *Be it further enacted*, That any person or Corporation sustaining any damages by the building said dams, sluiceways, guard locks or gate, or from the exercise of any of the rights or powers

herein granted, shall have the right to recover the full amount of said damages, in an action of the case, in any Court proper to try the same.

SEC. 6. *Be it further enacted*, That if at any time hereafter, the public convenience and necessity shall require a public highway, to be laid out and established over and upon said first mentioned Dam, the said Corporation shall permit such highway to be laid out and established over and upon said Dam, and shall not be entitled to demand or receive any compensation in damages therefor.

Public Highway.

SEC. 7. *Be it further enacted*, That the said Corporation shall have the right to build and construct a good and substantial highway or road, the traveled part of which shall be not less than thirty feet wide, from the northerly end of the Dam over said Creek, in a northwesterly direction across the marsh to the Medford road so called, near the north end of the Bridge over said Creek, so as to form a continuation of the road or highway newly established, from said Medford road, northwesterly, to the dwelling house of Lydia Stone, in Charlestown: *Provided*, said Corporation shall first obtain the consent of the owners of the land over which said road or highway may be constructed.

Corporation may build a road, &c.

Proviso.

SEC. 8. *Be it further enacted*, That either of the persons named in this Act, may call the first meeting of said Corporation, by giving seven days notice of the time and place of meeting, in two public newspapers printed in Boston, at which meeting there shall be chosen a Clerk, who shall be under oath for the faithful discharge of his duties, and such other officers as the Corporation may think proper.

First meeting.

[Approved by the Governor, March 8, 1828.]

CHAP. CII.

An Act to incorporate the Bradford Mutual Fire Insurance Company.

Persons incorpo-
rated.

Name.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Moses Parker, Jeremiah Spofford, Benjamin Parker, and their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Bradford Mutual Fire Insurance Company, with all the powers and privileges incident to such Corporations, for the term of twenty eight years.

May make by-
laws, &c.

SEC. 2. *Be it further enacted*, That the officers of said Company shall consist of a President, Secretary, Treasurer, and four Directors, who together shall constitute a Board of Directors, which officers shall be chosen annually by the company, in the month of November: and the said Corporation may establish such by-laws, as they may deem necessary, not repugnant to the Constitution and laws of this Commonwealth, and the members may vote by proxy.

SEC. 3. *Be it further enacted*, That when the sum subscribed to be insured, shall amount to fifty thousand dollars, or more, the said Corporation may issue policies, and insure against fire on any building, goods or furniture, of any individual of the Company, to any amount, not exceeding three quarters of the value of the property insured.

Funds to be in-
vested in stocks,
or loaned.

SEC. 4. *Be it further enacted*, That the funds of the said Corporation shall be invested in stocks or loaned on security, as the Directors may order, and shall be appropriated, first, to pay the expenses of the Corporation, and next, to pay the damages which any member may be entitled to recover on his policy: and in case any member shall have a just claim upon the Corporation for any losses by fire, exceeding the amount of their then existing

funds, the Directors shall, without delay, assess the necessary amount thereof, on the several members of the Corporation, in proportion to the amount of their premiums and deposits, and pay the same over to the insured sufferer, in sixty days after such loss.

SEC. 5. *Be it further enacted*, That whenever any member shall sustain a loss by fire, and thereby have a just demand against the Corporation, and if the same shall not be paid in sixty days after such loss, he or she may have and sustain an action of the case against said Corporation, to recover full and adequate damages.

SEC. 6. *Be it further enacted*, That any member named in this Act may call the first meeting of this Corporation, by posting up advertisement thereof, of the time, and place, and purpose, in three several public places in said Bradford, seven days at least, before said meeting: and the Corporation may then agree upon the mode of calling future meetings: and this Act shall be subject at all times to the revision or repeal of the Legislature.

SEC. 7. *Be it further enacted*, That said Corporation shall be liable to be taxed by any general law Tax. of the Commonwealth.

[Approved by the Governor, March 8, 1828.]

CHAP. CIII.

An Act to incorporate the President, Directors, and Company of the Franklin Bank, in Boston.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Whittemore, Adam Bent, William Wright, David Rice, Josiah Dunham, David Gurney, Noah Brooks,

Persons incorporated.

Name.

Isaac Thom, John Amory, and Jacob Flinn, their associates, successors, and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Franklin Bank in Boston, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Proviso.

Capital stock,
&c.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars, in gold or silver, to be, beside such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of November next, one fourth part thereof on or before the first day of February next, and the residue on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty-nine. And no dividend shall be declared on the capital stock of said Bank, until the whole amount of the capital stock shall have been paid in, conformably to the provisions of this act; and the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which, being entered in the books of said Corporation, shall be binding on the Stockholders,

their successors and assigns, until they shall otherwise determine. And the said Corporation are hereby made capable in law, to have, hold, purchase, possess, enjoy, and retain, to them, their successors and assigns, land, tenements, and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of said Corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable; *Provided however*, that nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said Corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes, be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Governor; and no Stockholder shall be allowed to borrow any money at said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

May hold real estate.

Proviso.

Duty of Commissioners.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in that part of Boston

called South Boston ; and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation, or by any person on their account, in any other place than at the said Bank.

Corporation
shall loan to the
Commonwealth.

SEC. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided however*, that the Commonwealth shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

May call meet-
ing for making
by-laws, &c.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and Stockholders of said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary ; and the choice of the first Board of Directors, and such other officers as they shall see fit to choose : *Provided*, such by-laws and regulations be not repugnant to the Constitution and laws of this Commonwealth.

Proviso.

Commonwealth
may subscribe,
&c.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

SEC. 7. *Be it further enacted,* That, whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the treasury of the Commonwealth, shall be to the whole amount of stock actually paid into said Bank, if, at any time hereafter, they shall see fit to exercise that right.

Legislature may
appoint Direc-
tors, &c.

SEC. 8. *Be it further enacted,* That the Cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier shall
give bonds.

SEC. 9. *Be it further enacted,* That said Corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of capital stock which shall have actually been paid in.

Tax.

SEC. 10. *Be it further enacted,* That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any bona-fide holder, the amount of any note of said Bank, counterfeited, unless all the notes actually issued by said Corporation shall be printed, or impressed, with the stereotype plate; and said Corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Corporation lia-
ble for notes
altered, &c.

SEC. 11. *Be it further enacted,* That any Committee, specially appointed by the Legislature for

Legislature may
appoint commit-
tee to examine,
&c.

that purpose, shall have a right to examine into the doings of said Corporation, and have free access to all their books and vaults ; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined, by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall, thereupon, be declared to be forfeited and void.

Stock not trans-
ferable till all
paid in.

SEC. 12. *Be it further enacted*, That if the Bank hereby incorporated, be not put into operation on or before the first day of March, one thousand eight hundred and twenty-nine, this act shall be void ; and no part of the capital stock shall be sold or transferred, until the whole amount thereof shall have been paid in.

[Approved by the Governor, March 8, 1828.]

CHAP. CIV.

An Act to incorporate the Proprietors of the Central Locks and Canals on Connecticut River.

Persons incor-
porated.

Name.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That George Beach, John Hooker, Joseph Lyman, and their associates and successors, be, and they hereby are, constituted a body politic, by the name of "the Proprietors of the Central Locks and Canals on Connecticut River," and by that name may sue and prosecute, and be sued and prosecuted, and shall be, and hereby are, vested with all the powers and privileges by law incident to Corporations.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to clear the passages of the Connecticut River, between the mouth of Stony Brook, so called, in South Hadley, and the mouth of Deerfield River, and may erect and maintain a dam at School Meadow Bar, so called, near the north part of Hatfield, and to overcome said Bar, and other Bars above, may construct such Lock or Locks, Canal or Canals, as may be necessary for the passage of boats drawing three feet of water: *Provided*, that said dam shall be of such height as not to raise the water, at the highest place, more than six and an half feet higher than the same would rise without said dam: *And provided*, that not less than two hundred feet in the length of said dam shall be made sloping on the lower side, with an elevation not exceeding an angle of forty-five degrees.

Powers.

Proviso.

SEC. 3. *Be it further enacted*, That any two of the Proprietors before named, may call the first meeting of said Corporation, to be holden at Springfield, in the County of Hampden, by publishing a notification thereof, three weeks successively, in the newspapers printed in Springfield; and at such meeting, and at all other meetings legally notified for the purpose, may make, alter, or repeal, all such by-laws, rules, and regulations, as may be necessary for the management of the affairs of said Corporation: *Provided*, the same be not repugnant to the Constitution and laws of this Commonwealth.

First meeting.

Proviso.

SEC. 4. *Be it further enacted*, That there shall be elected, annually, by said Corporation, a President, and such number of Directors, and other officers, and with such powers as said Corporation, by their by-laws, shall direct; and all questions which occur in the meetings of said Corporation, shall be determined by a majority of the votes of the members present: and those represented by attorney, one vote for each share.

Shall elect officers, &c.

SEC. 5. *Be it further enacted*, That the said Corporation shall, at such time or times, place or places, and in such manner, as they shall judge expedient, cause book of subscription to be opened for

Subscription books.

the shares thereof, on such terms and conditions, and to such number and amount, as they shall think necessary, giving reasonable previous notice; and the capital stock of said Corporation shall not exceed the sum of one hundred thousand dollars; and the property of said Corporation, and of each individual therein, is hereby declared, and shall be taken to be personal estate.

Assessments.

Penalty for neglect.

SEC. 6. *Be it further enacted*, That said Corporation, by their Directors, or otherwise, may make and order the payment of such assessments upon the shares of the proprietors, as shall be necessary for carrying into effect the objects of this act, and shall give public notice thereof; and in case any proprietor shall neglect or refuse the payment thereof, for more than thirty days after such assessment shall have become payable, so many of his shares as shall be necessary to raise the amount of such assessment, may be sold at public auction, after giving notice thereof according to the by-laws, and the balance, after discharging such assessment, and necessary expenses, shall be paid to such delinquent proprietor.

Damages, how recovered.

SEC. 7. *Be it further enacted*, That, in all cases, where any person shall be damaged in his property, by the erection and construction of the works necessary for the purposes of this act, or in any other way by the said Corporation, and the proprietors aforesaid do not, within twenty days after being requested thereto, make, or tender, reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of Common Pleas, at any term holden in the County of Hampshire, to have a Committee appointed by said Court, at his own expense, to estimate the damage so done; and the said Court is hereby empowered to appoint a Committee of three disinterested freeholders in said County, to estimate such damages; which Committee shall give reasonable notice to the persons interested, and to the Clerk of the proprietors aforesaid, of the time and place of their meeting; and they shall be

under oath to perform the said service according to their best skill and judgment ; which having done, they, or the major part of them, shall make return thereof, under their hands and seals, to the next term of said Court, to be holden in the same County, after the said service is performed, to the end that the same may be accepted and recorded ; and the Committee, so appointed, are required to estimate the said damage, and make return thereof as aforesaid. And if the estimate of the Committee be accepted by the Court, the Clerk of said Court is hereby authorized and directed, on application therefor, to issue an execution against the property only of the Corporation, or for want thereof, of any individual belonging thereto, for the sum so adjudged in damages, provided the same is not paid within the term of twenty days after the acceptance of said report ; and likewise for the costs of the Committee, and fees of the Court, both to be allowed by the Court: *Provided*, the sum of damages estimated by the Committee exceed the sum so tendered. But, in case the proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of the Committee or Court ; and if any person shall find himself aggrieved by the doings of said Committee, in estimating damages, application may be made to said Court, at the next term thereof, in the same County, after the acceptance of such return ; and said Court is hereby empowered to hear and finally determine the same by a Jury ; and if the Jury shall not increase the sum of damages, the person complaining shall be at the cost incurred on that occasion, to be taxed by said Court, otherwise such cost and increase of damages shall be paid by said Corporation, and execution shall issue therefor as before expressed.

Proviso.

SEC. 8. *Be it further enacted*, That if any person or persons, shall wilfully, maliciously or wantonly, and contrary to law, obstruct the water or naviga-

tion, remove or in any way spoil, injure or destroy, any of the works lawfully erected and constructed by said Corporation, or any part thereof, or any thing belonging thereto, or any material used in the construction thereof, he, she, or they, and any person or persons aiding or abetting therein, shall forfeit and pay to said Corporation, for every such offence, treble such damages as shall be proved before the Court before whom the trial shall be had, to be sued for and recovered before any Court proper to try the same, by the Treasurer of said Corporation, or other officer whom they may direct, to the use of said Corporation: and such offender or offenders, shall be liable to indictment by the grand inquest of the County for any offence or offences against this law, and on conviction thereof, either before the Supreme Judicial Court, or any Court of Common Pleas, to be holden in said County, shall pay a fine, not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the Court.

Penalty.

SEC. 9. *Be it further enacted*, That said Corporation shall not purchase or hold any other real estate, than shall be necessary and proper to carry into effect the purposes of this Act; and all other use and benefit of the waters of said Connecticut River, not inconsistent with the rendering the same navigable between the points aforesaid, shall remain to the Commonwealth and its citizens, as heretofore.

SEC. 10. *Be it further enacted*, That as soon as said Corporation shall have constructed the works before mentioned, at School Meadow Bar, and have cleared the passages of the river between the mouth of Stoney Brook and Deerfield River, so as to permit the passage through the same, of boats not less than sixty-six feet long, and fourteen feet broad, they shall, in consideration and remuneration of the expenses thereby incurred, and for the purpose of keeping the said works in repair, by their Directors or otherwise, fix and establish the tolls which they

Corporation may
take toll, &c.

shall have a right to demand, and, by their toll-gatherer or other agent to collect: *Provided*, that said tolls shall not exceed, for every ton weight, transported through said Locks and Canals, the following sums, viz. ; on merchandise, the growth or product of any foreign country, except salt and gypsum, fifteen cents per ton ; on salt, gypsum or plaster of Paris, lumber, brick, sand, lime, iron ore and stone, five cents per ton ; on all other articles, the product of the United States, ten cents per ton ; and for each boat fifty cents : and said Corporation shall appoint toll-gatherers and others, whose duty it shall be, to attend the Locks at all reasonable times ; and, on the toll being paid, to permit passengers with their property to pass the same.

Proviso.

Rates of toll.

SEC. 11. *Be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of four years after the passing of this Act, to build and complete the works aforesaid, then this Act shall be void, and of no effect ; and the Legislature shall have a right to alter the rates of toll, and otherwise modify, amend or repeal this Act, as they shall deem proper, after twenty years from the passage thereof: *Provided*, such alteration, amendment or repeal, shall not take place till said Corporation shall have been reimbursed their expenses in constructing and maintaining their works, together with six per cent. per annum interest thereon: *And provided further*, that said repeal shall not affect the corporate rights of the proprietors of the Upper Locks and Canals on Connecticut River, in the County of Hampshire, or the proprietors of the Locks and Canals on Connecticut River, for the union of which Corporations with the Corporation hereby created, provision is hereinafter made ; but the same shall remain as if said union had not taken place.

Proviso.

SEC. 12. *Be it further enacted*, That the Corporations called the Proprietors of the Locks and Canals on Connecticut River, and the Proprietors of the Upper Locks and Canals on Connecticut River in the County of Hampshire, may, by mutual

agreements with each other, and with the Proprietors of the Central Locks and Canals, hereby incorporated, convey and unite, hold, exercise and enjoy, according to the provisions of the eleventh section of this Act, all the rights, powers, privileges, franchises, estate, interest and corporate property, of whatever description, as the same may exist at the time of such union, granted or belonging to said Corporation, respectively to, and under the name of the Proprietors of the Central Locks and Canals on Connecticut River; and all the Stockholders, in each of said three Corporations, on the execution of such agreement by each of said Corporations, shall become Stockholders in said Corporation, called the Proprietors of the Central Locks and Canals on Connecticut River, on the terms mutually agreed and assented to, by each of said Corporations: and thereafter, said Proprietors of the Central Locks and Canals may pass all votes, and do all acts relating to the navigation of said river, and to the rights, franchises, estate, interest and property granted or belonging as aforesaid to said Corporations, or either of them, which they, or either of them may, or might pass, or do, if such conveyance, agreement and union had not taken place, and shall be subject to the same liabilities, and to the same extent, as if said conveyance, agreement and union had not taken place: *Provided*, that in case said Corporations shall agree so to convey and unite their said rights, powers, privileges, franchises, estates, property and interest; and to hold and manage the same as herein provided, then the capital stock of this Company may be increased, from time to time, to such amount as shall be necessary to cover the whole price or sums at which the said rights, powers, privileges, franchises, estates, property and interests shall be mutually agreed to be received, reckoned and united as aforesaid, and also to cover such further sums, as shall be necessary and proper for completing the improvements in the navigation of said river, within the limits and according to the terms and intention of their respective Acts of In-

May increase
capital stock.

corporation, and so that boats and other floats, drawing three feet of water, may at all times pass through the same. Said capital stock not to exceed the sum of five hundred thousand dollars: *And provided further*, that no agreement for conveying and uniting said rights, powers, franchises, estates, property and interest as aforesaid, shall be valid or effectual, unless the same be authorized or ratified by a vote of each of said Corporations, at a regular meeting thereof, specially called and notified for that purpose.

Amount of capital stock.

[Approved by the Governor, March 8, 1828.]

CHAP. CV.

An Act to incorporate the President, Directors, and Company of the Hingham Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Jotham Lincoln, Scarlet Hudson, William Gordon, Ensign Barnes, Junior, Benjamin Thomas, Eliphalet Loring, James Stephenson, David Whiton, Jedediah Lincoln, Daniel Basset, David Fearing, Samuel Sprague, and Joseph Wilder, Junior, with their associates, successors, and assigns, shall be, and hereby are, created a Corporation, by the name of the President, Directors, and Company of the Hingham Bank, and shall so continue, from the passing of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are

Persons incorporated.

Name.

Proviso.

contained in an act entitled "An Act to incorporate the President, Directors, and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited : *Provided however*, that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Capital stock,
&c.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof in ninety days, one fourth part thereof in six months, and one fourth part thereof in nine months, and the residue in one year from the passing of this act, or at such earlier time, as the Stockholders at any meeting may direct ; and no dividends shall be declared on the capital stock of said Bank, until the capital stock shall have been paid in conformably to the provisions of this act ; and the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine ; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their assigns, and successors, lands, tenements, and hereditaments, to the amount of eight thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of said Corporation, and signed by the President, or two of the Directors, and to loan, and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable : *Provided*

May hold real
estate.

Proviso.

however, that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said Corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes, be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Governor; and no Stockholder shall be allowed to borrow any money at said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Duty of Commissioners.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in the town of Hingham; and no bill or note shall be issued by said Corporation, or by any person on their account, in any other place than at the said Bank.

Location.

SEC. 4. *Be it further enacted*, That, whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth

Corporation shall loan to the Commonwealth.

shall never stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Persons empowered to call meeting.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and Stockholders of said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the Hingham Gazette, printed in Hingham, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary; and the choice of the first Board of Directors, and such other officers as they shall see fit to choose: *Provided*, such by-laws and regulations be not repugnant to the Constitution and laws of this Commonwealth; and a majority of the Directors shall be inhabitants of the town of Hingham.

Proviso.

Commonwealth may subscribe, &c.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, therefor, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

Legislature may appoint additional Directors.

SEC. 7. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of said Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall

give bond, with sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier shall give bonds.

SEC. 9. *Be it further enacted*, That the said Corporation shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of capital stock which shall have actually been paid in.

Tax.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona-fide holder, the original amount of any note of said Bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be liable to pay to any bona-fide holder, the amount of any note of said Bank counterfeited, excepting such note is printed or impressed with the stereotype plate; and said Corporation shall not, directly, or indirectly, purchase, receive, pay, or exchange, any bill or note of said Bank, or any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Corporation liable for notes altered, &c.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank, or any part of it, shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Capital stock not transferable for one year.

SEC. 12. *Be it further enacted*, That any Committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that the said Corporation have ex-

Legislature may appoint Committee to examine, &c.

ceded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 8, 1828.]

CHAP. CVI.

An Act providing for the use of Broad Rimmed Wheels.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after two years from the passage of this Act, the wheels of every wagon, carriage or vehicle built or rimmed anew, and drawn by two beasts, (excepting pleasure carriages) passing upon or over any turnpike or common highway, within this Commonwealth, shall have felloes not less than four inches in width, and if drawn by more than two beasts, the said wagon or other vehicle, (excepting as aforesaid) shall have felloes not less than five inches in width : *Provided*, that the wheels of stage coaches passing as aforesaid, may have felloes only four inches in width.

Dimensions of
wheels, &c.

SEC. 2. *Be it further enacted,* That the owner or owners, and also the driver of every wagon, carriage or other vehicle, having wheels contrary to the provisions of this Act, who shall drive or suffer the same to be driven, upon or over any turnpike or common highway within this Commonwealth, shall forfeit and pay for each offence, a sum not less than five dollars, nor more than twenty dollars, to the use of the Turnpike Corporation, City, Town or District, liable by law to support the turnpike or

Penalty, &c.

common highway, upon which the offence shall have been committed, to be recovered before any Justice of the Peace, within and for the County within which the offence shall have been committed, not being a member of the Turnpike Corporation, or an inhabitant of the City, Town, or District liable for the support of the turnpike or common highway as aforesaid: *Provided, however,* that the provisions of this Act shall not extend, or be applied to either of the Counties of Dukes or Nantucket, nor to any carriages passing upon or over any of the roads aforesaid, solely for the purposes of common husbandry: *And provided further,* that no prosecution shall be sustained under the provisions of this Act, which shall not be commenced within ninety days from the commission of the offence, upon the complaint of the Treasurer of the Turnpike Corporation, or one of the Surveyors of Highways, within the City, Town or District liable for the support of the road upon which the offence shall have been committed, to a Justice of the Peace having cognizance of such offence.

Proviso.

SEC. 3. *Be it further enacted,* That this Act shall be published in the months of January and October in each year, for the term of two years, in all the newspapers in which the laws of the Commonwealth are published, and shall also be read at the annual town meetings in March or April, for the same term of years.

Act to be published.

[Approved by the Governor, March 8, 1828.]

CHAP. CVII.

An Act to incorporate the President, Directors and Company of the Hamilton Bank.

Persons incor-
porated.

Name.

Proviso.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Appleton, Eben. Francis, John Bryant and John A. Lowell, their associates, successors and assigns, shall be, and hereby are created a Corporation, by the name of the President, Directors and Company of the Hamilton Bank, and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one ; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an Act, entitled " An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this Act, as fully and effectually, as if the several sections of said Act were herein specially recited and enacted : Provided, however, that the amount of bills issued from said Bank at any one time, shall not exceed the amount of capital stock actually paid in.*

Amount of Capital Stock.

SEC. 2. *Be it further enacted, That the capital stock of said Corporation shall consist of the sum of five hundred thousand dollars in gold or silver, to be besides such part as the Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one fourth part thereof, on or before the first day of May next ; one fourth part thereof, on or before the first day of August next ; one fourth part thereof, on or before the first day of November next, and the residue, on or before the first day of February next : and no*

dividend shall be declared on the capital stock of said Bank, until the said sum of five hundred thousand dollars shall have been paid in, conformably to the provisions of this Act : and the Stockholders at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine ; and the said Corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said Corporation, and signed by the President or two of the Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they may think advisable : *Provided, however*, that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate, in mortgage or on execution, to any amount, as security for, or in payment of any debts due to said Corporation : *And provided further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any oth-

May hold real estate.

Proviso.

Commissioners to be appointed.

er purpose, and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the Governor: and no Stockholder shall be allowed to borrow any money at said Bank, until he shall have paid in his full proportion of the first moiety of said capital stock, as herein before provided and required.

Bank to be kept
in Boston.

SEC. 3. *Be it further enacted*, That said Bank shall be established and kept in Boston, and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation, or by any person on their account, in any other place than at the said Bank.

Shall loan money
to the Common-
wealth.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said Corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

First meeting.

By-laws, &c.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and Stockholders of said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations, not repugnant to the Constitution and laws of this Commonwealth, for the orderly conducting of the affairs of said Corporation, as the Stockholders may deem necessary, and the choice of the first Board of Directors, and such other officers as they may see fit to choose.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature

shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said Corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

Commonwealth
may subscribe.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise that right.

Commonwealth
may appoint
Directors.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier to give
Bond.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay by way of tax to the Treasury of this Commonwealth for the use of the same, within ten days after the first Monday in October and April annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Stock subject to
tax.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Notes counter-
feited.

SEC. 11. *Be it further enacted*, That no part of the capital stock of the said Bank shall be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from

Stock not to be
transferred for
one year.

the time of passing this Act ; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Bills and Notes.

SEC. 12. *Be it further enacted*, That said Corporation shall be holden to pay to any bona fide holder, the amount of any note of said Bank counterfeited, unless all the notes actually issued by said Corporation shall be printed or impressed with the stereotype plate ; and that said Corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Legislature shall
have access to
Books, &c.

SEC. 13. *Be it further enacted*, That any Committee especially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and have free access to all their books and vaults : and if upon such examination, it shall be found, and after a full hearing of said Corporation thereon be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided, this Act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 10, 1828.]

CHAP. CVIII.

An Act relating to the Public Records in the County of Barnstable.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That it shall be the duty of the Selectmen of each of the towns in the County of Barnstable, to cause to be fairly recorded in books, to be furnished them as hereinafter mentioned, all deeds for the conveyance of any real estate, or any interest therein, lying in their town, which shall be brought to them for that purpose, within nine months from the passing of this act, and which bear date not more than forty years since, and have been once recorded in the Registry of Deeds of said County, before the twenty-third day of October, last past; and shall also cause to be recorded with each deed, the certificate of the Register of Deeds which is thereon; and the said Selectmen shall cause to be made, alphabetical lists of the names of the grantors and grantees in such deeds, with proper references to the pages or leaves of the books where the same are recorded, in such manner as the County Commissioners of said County shall direct; and the said records and lists shall be completed by the first day of May, one thousand eight hundred and twenty-nine, and within one month thereafter shall be transmitted to, and deposited in the office of the Register of Deeds of said County, there to remain; and the records of such deeds, made as aforesaid, shall be as effectual in law, and may be used for the like purposes as the first records thereof might have been, if they had not been destroyed by fire.

Selectmen shall
cause deeds to be
recorded, &c.

SEC. 2. *Be it further enacted,* That the inhabitants of each of said towns, qualified to vote, shall, at some legal meeting, holden for that purpose, in April or May next, choose some suitable person for

Town Register
to be chosen.

a town Register of Deeds, who shall, under the superintendence of the Selectmen, make the records and lists which are by this act required to be made, and shall certify, under his hand, on each deed, in what book and leaf or page thereof he has recorded the same; and if the person, so chosen, shall refuse to accept the said office, or if said office shall, at any time, become vacant, by the death, resignation, or removal of any Register before the service aforesaid is completed, the Selectmen shall appoint some other suitable person to fill his place.

Duty of County
Commissioners.

SEC. 3. *Be it further enacted*, That it shall be the duty of the County Commissioners of said County, as soon as may be after the passing of this act, to furnish the said Selectmen, at the expense of the County, with proper books for the aforesaid purposes, to be numbered and marked in such manner as said Commissioners shall direct; and the said Commissioners, when the said records and lists are completed to their satisfaction, and deposited as aforesaid, shall allow to each of said towns the sum of twelve and an half cents, for each deed so recorded, to be paid out of the County Treasury of said County, for the use of the person or persons who did the service.

Register of
Deeds, his duty.

SEC. 4. *Be it further enacted*, That whenever any deed shall be brought to the Register of Deeds of said County, to be recorded, and it shall appear by the certificate of Registry thereon, that it has been once recorded in his office, before the twenty-third day of October last past, he shall record the same for his proper fees, without demanding or receiving any duty thereon for the County.

[Approved by the Governor, March 10, 1828.]

CHAP. CIX.

An Act to incorporate the President, Directors,
and Company of the Greylock Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Moses Wolcott, Daniel Brown, Daniel Coman, Levi Mason, N. R. Wolcott, Thomas Robinson, Zelatis Richmond, Isaac Howland, Josiah Q. Robinson, Daniel Smith, Samuel Jenks, Samuel Bowen, R. R. Briggs, John Wells, Elisha Burlingham, David Anthony, Jr. Henry Jenks, Geo. Whitman, Giles Tinker, E. W. Whitaker, and James Cumming, with their associates, successors, and assigns, be, and hereby are, created a corporation, by the name of the President, Directors, and Company, of the Greylock Bank, and shall so continue until the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; and the said Corporation shall always be subject to the rules, restrictions, limitations, provisions, and taxes, and be entitled to the same rights, privileges, and immunities, as are contained in an act entitled "An Act to incorporate the President, Directors, and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of the said act were herein specially recited and enacted: *Provided however,* that the amount of bills issued from the said Bank, shall not, at any one time, exceed the amount of the capital stock actually paid in: *And provided further,* that the number of Directors, to be annually chosen, shall be nine, and who shall be inhabitants of, and residents within, the County of Berkshire, and shall be accountable for the doings of the whole Board, any five of whom may constitute a quorum for the transaction of business.

Persons incorporated.

Name.

Proviso.

Capital Stock.

May hold real
estate.

SEC. 2. *Be it further enacted*, 'That the capital stock of the said Corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, beside such part as this Commonwealth may subscribe, in the manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, that is to say, one fourth part thereof on or before the first day of July next, and one fourth part thereof on or before the first day of October next, one fourth part thereof on or before the first day of January next thereafter, and the residue on or before the first day of July next thereafter; and no Stockholder shall be allowed to borrow any money at said Bank until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said Bank, until the whole of the said stock shall have been paid in conformably to the provisions of this act; and the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered on the books of the Corporation, shall be binding on the Stockholders, their successors, and assigns, until they shall otherwise determine; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors, and assigns, lands, tenements, and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose, and convey the same by deed, under the seal of the said Corporation, and signed by the President or two of the Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided however*, that nothing herein contained shall restrain or prevent the said Corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of, any debt due to the

said Corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the said Corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said Bank, or a majority of them, that the said capital stock hath been bona-fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as part of the said capital stock, and to return a certificate thereof to the Governor.

Duty of Commissioners.

SEC. 3. *Be it further enacted*, That whenever the Legislature do require it, the said Corporation shall loan to the Commonwealth, any sum of money which may be required, not exceeding ten per centum of the stock actually paid in at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum: *Provided however*, that the Commonwealth shall never stand indebted to the said Corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

Corporation shall loan to the Commonwealth.

Proviso.

SEC. 4. *Be it further enacted*, That the persons hereinbefore named, or any three of them, are hereby empowered to call a meeting of the members and stockholders of the said Corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same, three weeks successively, in any two newspapers printed in the County of Berkshire, for the purpose of making and ordaining such by-laws and regulations, not re-

May call meeting for making by-laws, &c.

Cashier shall
give bonds.

pugnant to the Constitution and laws of this Commonwealth, for the orderly conducting the affairs of the said Corporation, as the Stockholders may deem necessary, and for the choice of the first Board of Directors, and such other officers as they may see fit to choose and appoint. And the Cashier, before he enters upon the duties of his office, shall give bond, with sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Commonwealth
may subscribe,
&c.

SEC. 5. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of the said Corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall be, by the Legislature, made and established.

Legislature may
appoint Direc-
tors, &c.

SEC. 6. *Be it further enacted*, That, whenever the Commonwealth shall subscribe to the capital stock of the Corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into said Bank, if, at any time hereafter, they shall see fit to exercise that right.

Corporation lia-
ble for notes
altered, &c.

SEC. 7. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder, the original amount of any note of said Bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration, and shall also be liable to pay any bona fide holder, the amount of any note of said Bank, counterfeited, unless all the notes actually issued by said Corporation shall be printed, or impressed, with the stereotype plate.

SEC. 8. *Be it further enacted*, That the said Cor-

poration, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of the Commonwealth, for the use thereof, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in. Tax.

SEC. 9. *Be it further enacted*, That the capital stock of said Bank shall not be sold, or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the passing of this act; and in case the said Bank shall not be put into operation, according to the provisions thereof, within the year aforesaid, then this act shall be void. Stock not transferable for one year.

SEC. 10. *Be it further enacted*, That said Bank shall be established and kept in the town of Adams; and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation, or by any person on their account, in any other place than at the Bank aforesaid; and said Corporation shall not, at any place, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. Location.

SEC. 11. *Be it further enacted*, That any Committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined, by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, or conditions in this act provided, this act of incorporation shall, thereupon, be declared to be forfeited and void. Legislature may appoint committee to examine, &c.

[Approved by the Governor, March 10, 1828.]

CHAP. CX.

An Act to incorporate the President, Directors and Company of the Brighton Bank.

Persons incorpo-
rated.

Name.

Penalty.

Amount of capi-
tal stock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thaddeus Baldwin, Munnis Kenny, Benjamin Sargeant, Stephen Stone, James Greenwood, Elijah White, Jun. Benjamin Holton, Samuel Brooks, Moses G. Benjamin, Stutely Burlingame, and Charles Heard, their associates, successors and assigns, be, and hereby are, created a Corporation, by the name of the President, Directors and Company of the Brighton Bank, and shall so continue from the passage of this Act, until the first Monday of October, which will be in the year of our Lord, one thousand eight hundred and thirty one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this Act, as fully and effectually, as if the several sections of said Act were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said Bank at any one time, shall not exceed the amount of the capital stock actually paid in.*

SEC. 2. *Be it further enacted, That the capital stock of said Corporation shall consist of the sum of one hundred and fifty thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at such times, as the Stockholders may direct, fifty per centum, however, to be paid in, on or before the first day of June next,*

and the residue within one year from the passing of this Act: and no dividend shall be declared on the capital stock of said Bank, until the whole of said stock shall have been paid in, conformably to the provisions of this Act: and the Stockholders, at their first meeting, shall by a majority of votes determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine. And the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of ten thousand dollars, and no more, at any one time, with power to bargain, sell, dispose and convey the same by deed, under the seal of said Corporation, and signed by the President or two of the Directors: and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities as they may think advisable: *Provided*, May hold real estate. however, that nothing herein contained, shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to the said Corporation: *And provided further*, Proviso. that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to fifty thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not

for any other purpose, and that it is intended therein to remain, as a part of said capital ; and to return a certificate thereof to the Governor: and no Stockholder shall be allowed to borrow any money of said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Bank to be kept
in Brighton.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in the town of Brighton: and the whole number of Directors shall be nine, and a majority of the Board shall be inhabitants of said town ; and no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place than at the said Bank.

Shall loan money
to the Common-
wealth.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum, per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said Corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

Proviso.

First meeting.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the Members and Stockholders of said Corporation, as soon as may be, at such time and place, as they may see fit to appoint, by advertising the same in any two newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary: *Provided*, the same be not repugnant to the Constitution and laws of this Commonwealth, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

May make by-
laws, &c.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum, not exceeding one half the capital stock actually paid in, to be added to the capital stock of said Corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

Commonwealth
may own stock.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation; in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if, at any time hereafter, they shall see fit to exercise that right.

Choice of Direc-
tors.

SEC. 8. *Be it further enacted*, That the Cashier of said Bank, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier's bond

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay by way of tax to the Treasury of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock actually paid in.

Stock liable to
tax.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said Bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration, and shall also be holden to pay to any bona fide holder, the amount of any note of said Bank, counterfeited, unless all the notes actually issued by said Corporation, shall be printed or impressed with the

Notes counter-
feited.

stereotype plate: and that said Corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in said bill or note.

Act to become
void.

SEC. 11. *Be it further enacted*, That in case this Act shall not be put into operation, according to the provisions thereof, within one year from the time of passing the same, then it shall become void.

Stock not to be
sold or transfer-
red.

SEC. 12. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this Act.

Committee shall
have access to
books, &c.

SEC. 13. *Be it further enacted*, That any Committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults: and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided, this Act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 10, 1828.]

CHAP. CXI.

An Act in addition to an Act entitled “An Act to incorporate the Boston Chemical Company.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Boston Chemical Company are authorized and empowered to establish their Mill and Laboratory in the town of Newton, in the County of Middlesex, instead of the City of Boston, and that the clause in said Act, directing the same to be located in the city of Boston, be, and is hereby repealed. Location altered.

[Approved by the Governor, March 10, 1828.]

CHAP. CXII.

An Act in addition to an Act entitled “An Act to incorporate the President, Directors, and Company of the Mechanics and Traders Bank in Salem.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time be granted to said Corporation for paying in their capital Stock, and that the same may be paid in at such time or times as said Corporation shall direct: *Provided*, that one hundred thousand dollars thereof be paid into said Bank in specie, and the Bank be put into operation according to the original charter, on or before the first day of July next, and the remainder within six months thereafter. Further time granted.
Proviso.

[Approved by the Governor, March 10, 1828.]

CHAP. CXIII.

An Act in addition to "An Act to incorporate the President, Directors, and Company, of the Gloucester Bank."

May increase
capital stock.

Proviso.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President, Directors, and Company of the Gloucester Bank, be, and they hereby are authorized to increase their present capital stock, by an addition thereto, of the sum of thirty thousand dollars, in shares of one hundred dollars each, which shall be paid in, in such instalments, and at such times, and shall be so disposed of, as a majority of the Stockholders, at any legal meeting, may direct and determine: Provided however, that the whole amount thereof, that may be determined on by a majority of the Stockholders, at any legal meeting, shall be paid in within one year from the passing of this act.*

SEC. 2. *Be it further enacted, That the additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, as the present capital stock of said Corporation is now liable to, by virtue of the act to which this is in addition.*

[Approved by the Governor, March 10, 1828.]

CHAP. CXIV.

An Act for the better regulation, instruction, and government of the Indians and People of Colour in the County of Dukes County.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That His Excellency the Governor, with the advice and consent of the Council, be, and he hereby is authorized to appoint three Commissioners, who shall meet in the month of March or April next, and shall have power to make partition of the lands belonging to the Indians and people of colour, inhabitants of the Island of Chappequiddic in Dukes County, reserving such part thereof for the support of the poor, as they may deem necessary, and the same to divide and apportion among said Indians and people of colour, in such quantities, as they shall deem just and proper, regard being had to the rules of birth-right and descent established among said Indians and people of colour, and to those rights which individuals and families may have acquired by virtue of a possession and improvement; and the partition and apportionment so made, being recorded in the Registry of Deeds for said County, shall be valid and effectual to vest in said Indians and people of colour, a fee simple in their respective shares: *Provided always*, that any wood-land, peat-land, mines, quarries, or clay-pits, may continue to be held in common as heretofore, or may, at any time, be divided, at the request of a majority of said Indians and people of colour, by the Guardian and Overseers hereinafter provided.

Commissioners
to be appointed.

Proviso.

SEC. 2. *Be it further enacted*, That the Governor, with the advice and consent of the Council, shall appoint a good and discreet man, who is, or may be, appointed a Justice of the Peace, to be Guardian of said Indians and people of colour, and he

Guardian to be
appointed.

shall hold the office of Guardian during the term of four years, and before entering upon the execution of the trust, shall give a bond to the Judge of Probate of Dukes County, in the penal sum of one thousand dollars, with a sufficient surety or sureties, conditioned for the faithful discharge of the trust committed to him, and the duties enjoined upon him.

Annual meeting.

SEC. 3. *Be it further enacted*, That said Indians and people of colour shall, in the month of March or April annually, meet at such time and place, as said Guardian shall direct, by a written notice, posted up at their meeting house or school house, seven days at least, before the time of said meeting, which notice shall contain a list of the matters and things to be acted upon at said meeting; and it shall be the duty of said Guardian to be present and preside in said meeting; but in case of his unavoidable absence, said Indians and people of colour may choose a Moderator, and may then proceed to choose a Clerk, who shall be sworn before a Justice of the Peace, to keep a faithful record of all the votes passed, in that, and in all other town meetings of said Indians and people of colour, during the year, and until another Clerk be chosen and sworn in his stead; and the said Indians and people of colour may next proceed to choose two or more good men, either of the neighbouring white inhabitants, not proprietors of lands adjoining the lands of said Indians, or of the most sober, discreet, and well educated of their own number, for Overseers; and they may also choose a Constable, Field-driver, Pound-keeper, and other town officers, whom they may deem necessary, who shall be sworn to the faithful discharge of the duties of their respective offices; and it shall be the duty of said Constable, Field-driver, Pound-keeper, and other town officers, to carry into execution the laws of this Commonwealth, within the territory of said Indians and people of colour, as amply as the like officers, chosen by the several towns in this Commonwealth, are by law enabled to do within their respective towns.

SEC. 4. *Be it further enacted*, That the following powers and duties be vested in, and enjoined upon the said Guardian: 1st. To settle all accounts and controversies among the said Indians and people of colour, and between them and the neighbouring white inhabitants. 2d. To institute in his own name, or in the name of any Indian or person of colour, any action or actions for the recovery of any debt due, or other property belonging to said Indians and people of colour, or for any fraud or injury committed upon them or their property. 3d. To punish, by fine not exceeding twenty dollars, or by solitary imprisonment not exceeding twenty days, any trespasses, batteries, larcenies under five dollars, gross lewdness, and lascivious behaviour, and disorderly and riotous conduct, and for the sale of spirituous liquors within the territory, or on the lands of said Indians and people of colour; and said Guardian, or other Justice of the Peace, may issue his warrant, directed to the Constable of said Indians and people of colour, or other proper officer, to arrest, and bring before him, any offender against the provision of this act; and after judgment, he may order execution to be done by said Constable, or other proper officer; and if said Guardian, or other Justice of the Peace, shall adjudge any offender to solitary imprisonment, such offender shall not, during the term of said imprisonment, be visited by, or allowed to speak with, any person other than the Jailor, or said Guardian or Justice of the Peace, or such other person as said Guardian or Justice of the Peace shall specially authorize thereto; nor shall such offender be allowed any food or drink other than coarse bread and water, unless sickness shall, in the opinion of a Physician, render other sustenance necessary; and said Guardian, or other Justice of the Peace, shall keep a fair record of his proceedings; and any person aggrieved at the sentence given against him by said Guardian, or other Justice of the Peace, may appeal therefrom to the next Court of Common Pleas, to be holden in said County, ac-

Duties of Guardian.

Duties of Guardian.

cording to the laws regulating the powers of Justices of the Peace in criminal cases. 4th. To grant licenses to such of said Indians and people of colour as shall, by industry, sobriety, and correct conduct, entitle themselves to the privilege, to make contracts generally, and in particular to purchase real estate, in such quantity, and at such price, in case it be purchased of said Indians and people of colour, assaid Guardian and Overseers may approve. 5th. To be Treasurer of said Indians and people of colour. 6th. To settle and adjust all accounts with former Guardians, and to receive from them any monies or other property belonging to said Indians and people of colour, and with the approbation of the Overseers, to pay any balance which may be justly due to said Guardians. 7. To keep accurate and regular accounts of all receipts and disbursements on account of said Indians and people of colour, and annually, on or before the last day of December to file a copy thereof in the office of the Secretary of this Commonwealth, for the inspection of His Excellency the Governor, and also a copy in the office of the Judge of Probate of Dukes County, for his inspection and approval: and at the annual meeting of said Indians and people of colour for the choice of officers, or any other town meeting which it shall be his duty to call at any time, on the request of the overseers, he shall exhibit his said accounts, and if required shall give explanations touching the same: and if said Indians and people of colour shall be of opinion, that said Guardian has been guilty of any unfaithfulness or fraud in the execution of his said trust, they may represent the same to the Judge of Probate of Dukes County, who shall hear the parties, examine the case, and if he shall be of opinion that said representation is true, he shall lay the same before His Excellency the Governor, who shall direct a suit to be instituted in the name of the Commonwealth, against said Guardian on his said bond. 8th, To reserve such part of the wages or profits of any voyage or voyages of said Indians and people of colour, for the support of their families, as the said Guardian may think

proper ; and the master or owners who shall employ said Indians and people of colour in any voyage or voyages, shall be holden to the due payment of any sum or sums so reserved, and no payment made to said Indians or persons of colour by such master or owners, shall be a bar to the recovery of any sum or sums so reserved. 9th, To lease out any common lands, mines, quarries, clay-pits, fisheries, or other common property, and to receive, to the use of said Indians and people of colour, the rents and profits thereof. 10th, To remove all strangers and intruders, who shall, without right, enter and reside upon the lands of said Indians and people of colour ; and every person so entering and residing, who shall refuse, on the request of said Guardian to withdraw from the same, shall be removed, together with his or her family from said lands, by a warrant to be issued by the Guardian or any Justice of the Peace, on the complaint of the overseers ; and if the person so removed shall return with intent to reside, he shall, on conviction thereof, before any Justice of the Peace, be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding twenty days. 11th, To bind out to service, for a term not exceeding one year, if the service is to be performed on land, and the term of one voyage, if the service is to be performed at sea, habitual drunkards, vagabonds and idlers, and the earnings of such persons to receive and apply to the support of his or her family, or to the use of said Indians and people of colour generally, as said Guardian and overseers may think proper. 12th, To bind out poor children with the consent of the overseers, according to the laws of this Commonwealth. 13th, To prosecute any person who shall sell to said Indians and people of colour any spirituous liquor, contrary to law. 14th, To enter upon, or, with the approbation of the Court of Common Pleas in Dukes County, in the name of the Commonwealth, to institute suits to recover any lands, tenements or hereditaments taken or detained from any Indians and people of colour in said County, by means of abatement, intrusion, disseizen, deforcement, fraud, or by colour of any

Duties of Guardian.

Duties of Guardian.

gift, grant, bargain or sale by said Indians or people of colour, or their Guardians, in contravention of the laws of this Commonwealth; and said lands, tenements or hereditaments, when recovered by said Guardian, may be sold at public vendue, ten days notice thereof being first given by posting up the same at some public place in the town of Edgartown; and the proceeds of such sale shall be paid over in sums at the discretion of said Guardian and Overseers to the person or persons who are lawfully entitled to the same, and in default of such persons, into the Treasury of the Commonwealth, to be invested in such manner, as the Treasurer of the Commonwealth shall deem best, and to form, together with such additions, as may from time to time be made thereto, a permanent fund for the support of Indian schools and paupers, to be called the Indian School and Pauper Fund. 15th, To disburse monies to said Indians and people of colour, according to the votes of said Guardian and Overseers in those cases where a joint vote is by this Act required, and according to the best of his judgment and discretion in all other cases, he keeping, and annually rendering an accurate account of the same, as herein before provided. 16th, To return to the office of the Judge of Probate of Dukes County, and to that of the Secretary of the Commonwealth, as soon as may be practicable after his appointment, and as often afterwards as he may be required, complete inventories of all the property real and personal belonging to the Indians over whom he shall be appointed.

Joint powers and duties of Guardian and Overseers.

SEC. 5. *Be it further enacted*, That the following powers and duties be, and they hereby are, vested in and enjoined upon the said Guardian and Overseers jointly. 1st, To regulate the police of said Indians and people of colour. 2nd, To assess and levy taxes, which shall be collected by the Constable of said Indians and people of colour in pursuance of a warrant from said Guardian. 3d, To provide for the instruction of youth, and to determine the appropriations for that purpose, to employ instructors,

to visit and examine the schools. 4th, To provide for the support of the poor. 5th, To perambulate the lines between the lands of said Indians and people of colour, and the towns which join thereon. 6th, To prohibit, as far as they shall think proper, the intercourse between said Indians and people of colour, and persons belonging to any whaling or other ship, fishing boat or any other water craft whatsoever, and for this purpose, to commission, employ and pay as many Constables as they may deem necessary to enforce such order as they may establish in this behalf.

SEC. 6. *Be it further enacted*, That said Indians and people of colour shall not be capable of alienating, by deed or otherwise, their lands or any part thereof, except in cases in which authority for that purpose is given by this Act, nor shall the same be subject to attachment by writ or in execution issued on any demand or judgment against the proprietors thereof.

Indians not to alienate lands.

SEC. 7. *Be it further enacted*, That from and after the passing of this Act, no promise made, nor contract entered into by any of said Indians and people of colour, shall be valid in law, unless the same shall be made or entered into with the written consent of said Guardian; and no action hereafter brought upon any promise or contract made or entered into without such written consent, shall be sustained in any Court of law: nor shall any action in which any of said Indians or people of colour shall be plaintiffs, be sustained, unless the original writ be endorsed by said Guardian; and this Act may be given in evidence, in all such actions, under the general issue: *Provided always*, that nothing contained in this section shall be construed to exempt any person or persons to whom licence may have been granted under the fourth section of this Act, from suing and being sued, pleading and being impleaded, in any Court, in the same manner as the citizens of this Commonwealth.

Contracts now made.

Proviso.

SEC. 8. *Be it further enacted*, That said Guardian shall give written information to all taverners and re-

Penalty.

tailers within said County, of such Indians and people of colour, as may be addicted to idleness, vagrancy, and the excessive drinking of spirituous liquors; and if any taverner or retailer shall, after the receipt of such information, sell any spirituous liquors to any Indian or person of colour, of whom he shall have been so informed as an idler, vagrant or drunkard, then such taverner or retailer, shall forfeit and pay for every offence, the sum of ten dollars, to be recovered by action, or on complaint before any Justice of the Peace, and to be received by said Guardian to the use of said Indians and people of colour.

Pound.

SEC. 9. *Be it further enacted*, That there shall be erected, and maintained by the Guardian and Overseers at the common expense, in such place on the lands of said Indians, as said Guardian and Overseers shall direct, a pound, which shall be used for like purposes, and in like manner as town pounds may be, by the laws of this Commonwealth.

Bastard Children, &c.

SEC. 10. *Be it further enacted*, That whenever any woman of said Indians and people of colour, shall be delivered of a bastard child, or shall be pregnant of a child, which, if born alive, would be a bastard, the Guardian or other Justice of the Peace, upon complaint against any man as the father of such bastard child, shall proceed according to the Act for the punishment of fornication, and the maintenance of bastard children.

Act extended to
Indians at Gay-
head.

SEC. 11. *Be it further enacted*, That this Act shall be taken and construed to extend to the Indians and people of colour at Christiantown, whose lands shall be divided and apportioned by the said Commissioners, in the same manner as is herein provided for the partition of lands at Chappequiddic, and as soon after the completion of that partition, as may be practicable: and said Indians and people of colour at Christiantown, may choose their own overseers and other officers, and do all other things which by this Act the Indians and people of colour at Chappequiddic may do; and whenever the Indians and people of colour at Gayhead shall, by a

vote in town meeting, accept this Act, and shall transmit to His Excellency the Governor an attested copy of said vote, then His Excellency may authorize said Guardian to act as Guardian of the Indians and people of colour at Gayhead ; and may upon their request, appoint suitable persons to make partition of the Indian lands at Gayhead, in the same manner as is herein provided for the partition of lands at Chappequiddic and Christiantown.

SEC. 12. *Be it further enacted*, That there be allowed and paid to said Guardian, out of the Treasury of the Commonwealth, the annual salary of one hundred dollars for his services as Guardian of the Indians and people of colour at Chappequiddic and Christiantown : and if he shall be authorized by his Excellency the Governor to act as Guardian of the Indians and people of colour at Gayhead, then he shall receive such additional sum, not exceeding one hundred dollars annually, as his Excellency the Governor with the advice and consent of the Council may determine.

Salary of Guardian.

SEC. 13. *Be it further enacted*, That all Acts and parts of Acts inconsistent with the provisions of this Act, be, and the same hereby are repealed.

[Approved by the Governor, March 10, 1828.]

CHAP. CXV.

An Act to change the names of the several Persons therein described.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the several persons herein named, shall be called and known by the names they are hereby respectively allowed to assume, and the same shall be deemed their only proper and legal names, viz : That Joseph Dowding Bass Eaton may take the name of Joseph Bass Eaton ; that George Watson Patrick may take the name of George Watson ; that Henry Augustus Emery Humphrey, a minor son of George Humphrey, may take the name of Henry Smith Humphrey ; that Samuel Smith may take the name of Samuel James Hall Smith ; that William C. Johnson may take the name of William Johnson Cochrane ; that Nathaniel Russell Sturgis, jr. may take the name of Russell Sturgis ; that Elizabeth Palfrey may take the name of Elizabeth Cazneau Palfrey ; that George Dodd may take the name of George William Dodd ; that Mc Cray Cutter may take the name of Thomas Mc Cray Cutter ; that Prince Freeman, Junior, may take the name of Henry Prince Freeman ; that Betsey Olivey Lane may take the name of Elizabeth Olivey Lane ; that Maxey Hall may take the name of Francis Maxey Hall ; that Theophilus Bradbury may take the name of Theophilus Washington Bradbury ; that Albent Smith may take the name of Albent William Smith ; that Thomas Ham may take the name of Thomas Ham Grenville ; that Francis Bigelow may take the name of Francis Rufus Bigelow ; and that Edwin Fullerton may take the name of James John Fullerton,—all of the city of Boston, in the County of Suffolk ;—that Amos Smith, Junior, of Salem, may take the name of Amos F.

Names changed.

Smith; that William Balch, Junior, of Bradford, Names changed. may take the name of William Henry Balch; that Sarah Tenny of Bradford, may take the name of Sarah De Tenny; that Hannah Ordway, of Bradford, may take the name of Hannah Dorothy Annis; that John Nichols, of Salem, a minor son of George Nichols, may take the name of John H. Nichols; that Jonathan Kimball, a minor son of John Kimball of Andover, may take the name of Charles Kimball; that John Richardson, Junior, of Bradford, may take the name of John Pierce Richardson; and that Timothy Abbot, of Andover, may take the name of Sereno Timothy Abbot,—all of the County of Essex;—that William Hickox, of Weymouth, may take the name of William Harrington; that Catharine Otis Farnsworth, of Weymouth, may take the name of Catharine Jane Delap Otis Farnsworth; that James Barker, of Franklin, may take the name of James Adams; that Abby Hayden Heath, of Brookline, may take the name of Abby Louisa Hayden Heath; that Almira Penniman, of Brookline, may take the name of Almira Cornelia Penniman; that Willis George Daniels, of Franklin, may take the name of George Willis Daniels; and that George Peck, of Braintree, may take the name of George Batcheller Peck,—all of the County of Norfolk;—that William Goddard Babcock, of Northborough, may take the name of William Goddard Emerson; that Rufus Dodge, of Leicester, may take the name of Rufus Dexter; that Sarah Dodge, wife of said Rufus, may take the name of Sarah Dexter; that Lucy Gilbert Dodge, a minor daughter of said Rufus, may take the name of Lucy Gilbert Dexter; that Lyman Cranch, of Bolton, may take the name of Charles Augustus Lyman; that Joanna Allen, of Uxbridge, may take the name of Joanna Spring; that John C. Allen, a minor son of said Joanna, may take the name of John C. Spring; that Lavinia Ferguson, an adopted daughter of Benjamin Butman, of Worcester, may take the name of Sally Lavinia Butman; that Jedediah Easterbrook, Junior, of Rutland, may take the name of Joel Easterbrook; that Azubal

Names changed. Partridge Gardner, of Bolton, may take the name of Ellen Partridge Gardner ; and that George Julius Dodge, an adopted son of Asa Putnam, of Sutton, may take the name of George Julius Putnam,—all of the County of Worcester ; that Solomon S. Rice, of Cambridge, may take the name of Henry Solomon Sibley Rice ; that Lovett Walker, of Holliston, may take the name of Charles Gibbs Walker ; that Mark Newcomb, of Charlestown, may take the name of Mark Winchester ; that Isaac Austin, of Charlestown, may take the name of Arthur Williams Austin ; that Suzan Fiske Manson, of Frammingham, may take the name of Susan Fiske Manson ; that Sarah Hazen, of Shirley, may take the name of Sarah Hazen Parker ; that William Francis Cotting, of West Cambridge, a minor son of William Cotting, may take the name of William Wallace Cotting ; and that William Hovey, of Cambridge, may take the name of William Bowles Hovey,—all of the County of Middlesex ;—that James Sever, Junior, of Kingston, may take the name of James Nicholas Sever ; and that Zoroaster Edson, of West Bridgewater, may take the name of Henry Edson,—both of the County of Plymouth ;—that Job Cash Orchard, of Northampton, may take the name of Josiah Curtis Orchard ; that Olcott Taylor, of Norwich, may take the name of Charles Bizzell Taylor ; that Amasa Wade, of Northampton, may take the name of Amasa Dwight Wade ; that Patrick Slate of Northampton, may take the name of George Austin Slate ; and that Royal Packard, of Cummington, may take the name of Royal Lewis Packard,—all of the County of Hampshire ;—that George Appleton Gold, a minor son of Thomas A. Gold, of Pittsfield, in the County of Berkshire, may take the name of Nathan Appleton Gold ; that Joseph Smallidge, Junior, of Shutesbury, in the County of Franklin, may take the name of Joseph Lucian Smallidge ; and that Gilbert Richmond Lawless, of Newbedford, in the County of Bristol, may take the name of Gilbert Richmond.

[Approved by the Governor, March 11, 1828.]

CHAP. CXVI.

An Act to provide for Internal Improvements by Rail Roads.

SEC. 1. *BE it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there shall be chosen, by the concurrent vote of the two Houses of the Legislature, at its present session, nine persons, who shall be a Board of Directors of Internal Improvements, whose duty it shall be to superintend all the necessary arrangements, in the manner hereafter provided, to carry into effect the provisions of this act; that the said Board shall have power to form such rules for their proceedings as they may deem proper, a majority of whom shall form a quorum; that in case of the death or resignation of any one or more of the said Directors, the vacancies shall be supplied by the said Board, subject to the revision of the Legislature; that the said Board of Directors shall receive no compensation for their time or services, but all their expenses incurred in the performance of the duties hereby required, shall, after being allowed by the Governor and Council, be paid upon his warrant, out of the Treasury.

Directors shall be chosen.

Powers.

SEC. 2. *Be it further enacted,* That the said Directors are hereby authorized to appoint, on such terms as they may think just and reasonable, to be removed at the pleasure of said Board, an Engineer or Engineers, not exceeding two in number, which said Engineer or Engineers shall be authorized and required, under the direction of the said Directors, the authority of the States of New York and Rhode Island being for that purpose first obtained, to examine and survey all such routes or lines as the said Board of Directors may think necessary, between Boston westward to the Hudson River, and between Boston and Providence, to enable them to determine the most eligible route,

Directors shall appoint Engineers.

over which to construct a Rail Road between the points aforesaid ; and after having completed all the surveys and estimates of expense, which the said Engineer or Engineers may deem necessary, and submitted the same, with all necessary maps and profiles, to the consideration of the said Directors, together with his or their opinion in the premises, he or they shall, under the direction of the said Directors, proceed to locate and stake out a line of Road of such width, as the said Board shall deem proper, from Boston westward to the Hudson River, and also from Boston to Providence in the State of Rhode Island, or over any part of the said Routes in such course, as they, the said Board shall consider the best interests of the Commonwealth require. That the said Board may employ such surveyors, assistants, and other persons, with such compensation as they may deem reasonable, as in their opinion may be necessary in order to enable them to perform all the duties imposed by this act ; and it shall be the duty of said Directors to prosecute, with all convenient speed, the surveys and estimates in relation to the Route from Boston to Providence, with a view, if practicable, that the same may be brought to a conclusion, and laid before the Legislature, at their next session, for consideration.

May employ surveyors, &c.

Directors may receive gifts, &c.

SEC. 3. *Be it further enacted*, That the said Board of Directors are hereby authorized to receive gifts and grants of land in the name of this State, over which said Roads may be located, to become absolute in the event of such Roads being constructed, and also of any money, materials, or other things which individuals or corporate bodies may offer for the construction of said Roads.

Shall make provisional arrangements with New York and Rhode Island.

SEC. 4. *Be it further enacted*, That the said Board of Directors are hereby empowered to make such provisional arrangement with the Governments of the States of New York and Rhode Island, in relation to the construction of the aforesaid Rail Roads through their respective territories, as they may think proper, or with such individuals or corporate bodies in those States, as may for that purpose be

authorized, subject however to the future control of the Legislature. The said Board of Directors are hereby further authorized to receive proposals from corporations or individuals, for contributions, either in money or other things, towards the construction of the said Roads, or any part of the same, to the end that the State may know upon what terms such contributions may be had ; and further, they are required to make report at every successive session of the Legislature, and at the next session of the Legislature, or as soon thereafter as may be, as to the expense and best mode of constructing the said Roads, whether the said Roads should be constructed by the State alone, whether in part by the State, and in part by individuals or corporations, or whether by the latter alone ; and on what terms and conditions the means necessary for the construction of the said Roads may best be provided.

Directors to receive proposals, &c.

SEC. 5. *Be it further enacted*, That the said Board of Directors shall, from time to time, present to the Legislature a detailed and specific account of all monies expended under this act, and that His Excellency the Governor, by and with the advice and consent of the Council, may, from time to time, draw his warrant on the Treasurer for such sum or sums as may be necessary to carry the same into effect: *Provided*, that no expense shall be incurred under this act beyond the balance remaining of the appropriation made by a resolve passed on the fourteenth day of June last.

Directors to present account to the Legislature.

SEC. 6. *Be it further enacted*, That no further proceedings shall be had, either under a resolve passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and twenty seven, authorizing a survey for a Rail Road from Boston to the Hudson River, or under a resolve directing the Board of Internal Improvements to survey a Route for a Railway from Boston to the line of the State of Rhode Island, in a direction to the

town of Providence, passed the second day of March, one thousand eight hundred and twenty-seven.

[Approved by the Governor, March 11, 1828.]

CHAP. CXVII.

An Act in addition to an Act entitled "An Act for incorporating certain persons for the purpose of building a bridge over Merrimack River, between the towns of Haverhill and Newbury in the County of Essex, and for supporting the same."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of said Bridge may rebuild the same upon the old foundations of the Bridge, erected in pursuance of the Act to which this is in addition, of the following dimensions and height, viz. : that part of the Bridge which is to extend from the abutment on the Haverhill side of said River, to the first draw pier, shall be built twenty-two feet above common high water, and the remaining parts of said Bridge shall be built twenty feet above common highwater, and the whole length of the same shall be twenty-two feet wide: *Provided, however,* that the proprietors of said Bridge shall make a draw or passage way for vessels, at least thirty-six feet wide, which shall be opened at all times on demand, at the expense of the proprietors, for the accommodation of such vessels as cannot conveniently pass under said Bridge.

Proprietors may
rebuild Bridge.

Proviso.

SEC. 2. *Be it further enacted,* That all laws now in force upon this subject, which are inconsistent

with the provisions of this Act, be, and the same are hereby repealed.

[Approved by the Governor, March 11, 1828.]

CHAP. CXVIII.

An Act providing for the Government and Regulation of the State Prison.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Government of the State Prison, situated in Charlestown, in the County of Middlesex, shall be vested in three Inspectors, a Warden, Deputy Warden, Chaplain, Physician, Clerk, Superintendant of the Stone Department, who shall also be one of the Overseers, eight Turnkeys, who shall also be Overseers, and six Watchmen, together with such additional number of Turnkeys and Watchmen, as the Inspectors, upon the representation of the Warden, may at any time deem necessary and proper, during the erection of the new Prison, and no longer.

Government of
the Prison.

SEC. 2. *Be it further enacted,* That the Governor, by and with the advice and consent of the Council, shall appoint and commission three able and discreet persons, to be Inspectors of said Prison, one of whom shall be designated as Chairman, by his commission, to hold their offices during the pleasure of the Executive, not exceeding four years under one appointment; the Warden, Chaplain, and Physician shall be appointed and commissioned by the Governor, with the advice and consent of the Council, and shall hold their offices during the pleasure of the Executive; all the other Officers shall be appointed by the Warden, subject to the approba-

Inspectors shall
be appointed.

Proviso.

tion of the Inspectors, and shall hold their offices during the pleasure of the Warden and Inspectors : *Provided, however,* that if the Inspectors shall not give their consent to the removal of any officer, the Warden may appeal to the Governor and Council, who are hereby authorized and empowered to make such removal,

Warden shall have the care of the Prison.

Powers and duties of the Warden.

SEC. 3. *Be it further enacted,* That the Warden shall have the care and custody of, the Prison, and the lands, buildings, implements, stock, provisions, and other property appurtenant or belonging to the same, or the precincts thereof ; he shall also have the care and custody of the convicts confined in the Prison, and shall govern and employ them, pursuant to their sentences respectively, and in conformity to the laws of the Commonwealth and the rules and regulations of the Prison, and for this purpose, he may command all the Officers of the Prison, except the Inspectors, Chaplain, and Physician. He shall serve all process within the precincts of the Prison, and return the same, and such process shall be directed to him accordingly, and he shall be Treasurer of the Prison, and receive and pay out all money granted to the same, and he shall cause to be kept a regular account of all the concerns of the establishment, and it shall be his duty, twice a year, and as soon as may be after the last day of March and the last day of September, to make out a detailed account, closed on said days, of all the expenses and disbursements, and of all the receipts and profits of the Prison, with good and sufficient vouchers, and shall present the same, after having been approved by the Inspectors, to the Treasurer of the Commonwealth, who shall audit and settle the same, and keep it in his office, for the inspection of the Legislature ; and said Warden shall also, on said days, make out a statement of the general affairs of the Prison, and lodge the same in the office of the Secretary of the Commonwealth, for the inspection of the Executive and Legislative Departments of the Government. All contracts on account of the Prison shall be made with the Warden,

and when approved by the Inspectors, shall be binding in law ; and the Warden, or his successor in office, may sue or be sued thereon to final judgment and execution, and the action shall not abate by a vacancy in the office of Warden, but it shall be lawful for any successor, appointed during the pendency of any action upon such contract, to take upon himself the prosecution or defence thereof, and upon due notice from the adverse party, it shall be his duty so to do. The Warden shall from time to time suggest to the Inspectors such alterations in the by-laws of the Institution, as he shall think proper ; and all appointments of officers made by him shall be immediately reported to the Inspectors. He shall give bond to the Commonwealth, in the sum of twenty thousand dollars, with sufficient sureties, to be approved by the Governor and Council, conditioned that he shall faithfully perform all the duties incumbent on him as Warden of the said Prison. And the books of accounts of, and all other documents in relation to the concerns of the Prison, shall at all times be subject to the inspection of the Board of Inspectors, whose duty it shall be at each monthly meeting to examine such books and accounts, and the vouchers relating thereto.

Warden shall
give bond.

SEC. 4. *Be it further enacted,* That when the office of Warden shall by any means be vacant, or the Warden shall be unable to attend to the duties of his office, or be absent from the Prison, the Deputy Warden shall have all the power and authority, and be subject to all the duties and liabilities of the Warden.

SEC. 5. *Be it further enacted,* That the Deputy Warden, Clerk, Superintendant of the stone department, Overseers and Watchmen, shall perform such duties, in and about the care and custody of the Prison and the property thereto belonging, and in and about the care, custody, government, employment, and discipline of the prisoners confined therein, as shall be required of them, by the Warden, in conformity to the Laws of the Commonwealth, and the rules and regulations of the Prison.

Duties of Deputy
Warden, Clerk,
&c.

Duties of the
Chaplain.

Duties of the
Physician.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Chaplain of the Prison to perform Divine service therein, and also to visit the sick, and instruct the convicts in their moral and religious duties, and his whole time shall be devoted to the objects of his appointment. And it shall be the duty of the Physician to visit the Hospital once a day, and as much oftener as may be necessary, to prescribe for sick convicts, and also to attend to the regimen, clothing and cleanliness of the prisoners in the Hospital Department; and his orders in writing for supplies in that department, shall authorize the Warden to procure the same. He shall keep a record of all orders given by him for supplies, designating the articles, and shall keep a journal of the patients in the Hospital, designating the time of entry of each, and the time of discharge or death, the nature of his complaint and prescriptions.

Duties of the
Inspectors.

SEC. 7. *Be it further enacted*, That the Inspectors shall make, ordain and establish such rules and regulations, not repugnant to the laws of the Commonwealth, as they may from time to time see fit for the government of the Prison, the direction of the officers, the employment and discipline of the convicts, and the custody and preservation of the property therein; and said Inspectors shall, as soon as may be, cause a copy of all rules and regulations established by them; to be laid before the Governor and Council, who may modify or annul the same, or any part thereof. The Prison shall be visited by the Inspectors, or some one of them at least, as often as once a week, and by them as a board, as often as once a month, for the purpose of inspecting the books and all other concerns of the Prison; seeing whether the laws, rules and regulations are duly observed; whether the officers are competent and faithful, and whether the convicts are properly governed and employed; and it shall be their duty to report to the Governor and Council, all omissions and violations of duty in the Warden, Chaplain, and Physician, and to remove, as before provided,

all unsuitable officers, holding their appointments at the will and pleasure of the Inspectors and Warden; and it shall be the duty of the Inspectors to cause a copy of all rules and regulations, certified by the Clerk of the Prison, to be delivered to the Warden, as soon as may be, after the same shall have been approved by the Governor and Council; and also to make a detailed report of the concerns of the Prison to the Governor and Council, on the last day of September annually.

SEC. 8. *Be it further enacted*, That the Warden and Deputy Warden shall reside within the limits of the prison ground, as soon as accommodations can be made; and the Inspectors shall each receive one hundred dollars a year, the Warden fifteen hundred dollars, the Deputy Warden eight hundred dollars, the Chaplain five hundred dollars, the Physician two hundred dollars, the Clerk eight hundred dollars, the Superintendant of the Stone Department eight hundred dollars, the Turkeys each five hundred dollars, and the Watchmen each three hundred dollars, in quarterly payments, to be made by the Warden out of the Treasury of the Prison, in full compensation for their services respectively, and no other perquisite or reward whatever shall be allowed them; neither shall the Warden, or any other officer appointed by him with the approbation of the Inspectors, during the term of their continuance in office, be employed in any other business for his own emolument, than that which is required of him in the discharge of the duties of his office.

Salaries of Officers.

SEC. 9. *Be it further enacted*, That all convicts in confinement, under lawful sentence of Court, in the Prison, shall be restrained and employed therein, under the regulations and discipline of the Prison, pursuant to their respective sentences; and all criminal convicts hereafter sentenced to confinement to hard labour for life, or any other term, or to solitary imprisonment and hard labour, shall and may be imprisoned, restrained, and employed in and within the precincts of said Prison; and the Court before whom such conviction may be, are

Convicts to be employed, &c.

hereby authorized and empowered, by warrant, under their seal, directed to the Warden of said Prison, to cause all such convicts, as soon as may be, after sentence, to be removed from any Gaol in the respective Counties of the Commonwealth to the State Prison; and the said Warden, and all Sheriffs and Keepers of Gaols, are hereby required strictly to observe and obey the directions contained in such warrant; and it shall be the duty of the Clerk of any such Court to make out such warrant, as soon as may be, and deliver the same to the Sheriff of the County where such convict may be, and he is hereby directed to cause the same to be transmitted and delivered to the Warden of said Prison, who shall, by himself, or such person as he may appoint for that purpose, forthwith cause the same to be executed and returned according to the precept thereof; and it shall be the further duty of the said Clerks, to make out and annex to such warrant, in all cases, an attested copy of the record of the conviction and sentence upon which such warrant shall be issued as aforesaid, and transmit the same, with said warrant, to the Warden of said State Prison, to be by him kept and filed with the said warrant.

Warden shall receive persons convicted before the U. S. Court.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Warden to receive such persons as may be convicted before any Court of the United States, at any term thereof, holden within this Commonwealth, and sentenced to confinement and hard labor by any such Court, and all such convicts safely to keep and employ pursuant to their sentences, until they shall be discharged by due course of law of the United States.

Convicts for a limited time, how punished for assault, &c.

SEC. 11. *Be it further enacted*, That if any convict committed to State Prison, under sentence for a limited time, shall assault any Inspector, the Warden, or other person employed in the direction or custody of said State Prison, or shall attempt by violence to escape therefrom, every such convict so further offending, upon due conviction thereof before the Supreme Judicial Court, shall, and may

be punished by solitary imprisonment, not exceeding one year, in addition to any former like sentence, or to precede the fulfilment of any former sentence to hard labour, as the case may be, and at the discretion of said Court, may be further punished by hard labour, for a term not exceeding ten years, to commence after such solitary imprisonment, or after any former sentence shall be fulfilled, as the case may be.

SEC. 12. *Be it further enacted*, That if any convict committed to the said State Prison under sentence of confinement to hard labor during life, shall assault any Inspector, the Warden, or other person employed in the government thereof, or shall forcibly attempt to break from the said prison, every such convict, so offending, upon due conviction before the Supreme Judicial Court, shall, and may be punished by solitary confinement not exceeding one year, at the discretion of said Court, and shall be afterwards there holden in custody upon such former sentence; and every convict, being under confinement as aforesaid, who shall escape from said prison, shall, for every such offence, be further sentenced to solitary imprisonment for a term not exceeding one year.

Punishment of
convicts for life
for assault, &c.

SEC. 13. *Be it further enacted*, That all convicts, sentenced to hard labour, and confined in said Prison, shall be constantly employed for the benefit of the Commonwealth, and no communication between them and persons without the Prison shall be allowed, and all intercourse among them, as far as practicable, shall be prevented; and as soon as the state of the prison will permit, each convict, not in the hospital, shall be confined, in the night time, in a separate cell; and no convict shall hereafter leave the prison without a decent suit of clothes; and the Warden, at his discretion, may pay to such convict a sum of money, not exceeding five dollars, if deserved by good conduct.

Convicts to be
constantly em-
ployed, &c.

SEC. 14. *Be it further enacted*, That each convict shall be allowed, for his yearly clothing, one pair of thick pantaloons, one thick jacket, one pair of

Yearly clothing.

thin pantaloons, one thin jacket, two pair of shoes, two pair of socks, three shirts, and two blankets, all of a coarse kind ; but the Warden, with the consent of the Inspectors, may, for sufficient cause, allow some additional articles of clothing.

Daily sustenance.

SEC. 15. *Be it further enacted*, That the daily sustenance of the convicts, not in the Hospital, shall consist of the following rations : one pound of number one beef, or twelve ounces of number one pork, ten ounces of rye meal, ten ounces of Indian meal, and three quarters of a gill of molasses for each prisoner, and for every hundred rations, two and a half bushels of potatoes, two quarts of vinegar, four quarts of salt, and two ounces of black pepper, and during six months of the warmest season of the year, four quarts of molasses and twelve ounces of hops to each convict ; and no snuff or tobacco, or any other article of subsistence, either of food or drink, except water, shall in any manner be allowed them. The subsistence and diet of the convicts in the Hospital shall be regulated by the Physician, whose requisitions therefor shall always be in writing, and shall in no case be given for a longer term of time than a week. The Inspectors may provide for the substitution of fresh beef for salt beef, for a part of the time, not exceeding two days in each week, if they should deem it expedient so to do.

Articles to be contracted for by the year.

SEC. 16. *Be it further enacted*, That the principal articles used at the Prison, such as rations, fuel, stone, iron, steel, and also the transportation and truckage, shall be contracted for by the year ; and before any such contract shall be made, the Warden shall have given public notice in two newspapers at least, that such articles are required, and that proposals will be received, to contract for them, a sufficient time to give information to such persons as may wish to furnish them ; and the person offering the best terms shall be entitled to the contract, unless it shall be found that no offer is so low as the market price of the article wanted, in which case the said offer shall not be accepted ; and the

Warden, by and with the consent of the Inspectors, shall proceed to make a contract for the articles wanted, in the best manner for the interest of the Commonwealth: *Provided*, that it shall be the duty of the Inspectors to cause to be recorded all the proposals which they may receive for the supply of any article. No officer of the Prison shall be concerned in any such contract, and all proposals shall be made under seal, and opened at the same time by the Warden in the presence of the Inspectors, and all persons making such contracts, shall give bonds in a suitable penalty, for the due performance of the same.

SEC. 17. *Be it further enacted*, That it shall be the duty of the Governor and Council, annually, and as much oftener as they may think proper, to visit the prison, to examine its concerns, and ascertain its condition; and it shall be the duty of the Governor, with the advice and consent of the Council, to cause such additional buildings, or alterations in existing buildings, to be made, as that there shall, at all times, be as many separate cells as there are convicts in the prison, and also such additional building, or alterations in existing buildings, as may be necessary for the accommodation of such officers as are required to reside within the limits of the prison ground. And the Governor, by and with the advice of the Council, be, and hereby is authorised, from time to time, to draw his warrants in favor of the Warden, for such sum, at any one time, as he may deem proper, for all monies which may be appropriated by the Legislature for the support of the State Prison.

Proviso.

Governor and Council shall visit Prison, &c.

SEC. 18. *Be it further enacted*. That convicts in solitary confinement in execution of the sentence of Court, or for the violation of the rules and regulations of the Prison, shall, during such confinement, be fed with bread and water only, unless the Physician shall certify in writing to the Warden, that the health of such convicts requires other diet.

Convicts in solitary confinement to be fed with bread and water,

SEC. 19. *Be it further enacted*, That whenever any person who shall be convicted of any crime be-

Convicts who have been before committed to receive additional punishment.

Warden to give information of convicts before sentenced.

fore any Court of competent jurisdiction, the punishment whereof shall, by law, be confinement to hard labour for any term of years, shall have been before sentenced to a like punishment by any Court of this State, or any other of the United States, whether any such convict shall have been pardoned or not, he shall be sentenced to solitary imprisonment, not exceeding thirty days, and to confinement to hard labour, not exceeding seven years, in addition to the punishment by law prescribed for the offence for which he shall be tried ; and in case such convict shall have been twice before convicted and sentenced in manner aforesaid, he shall be punished by confinement to hard labour for life, and by solitary imprisonment as is herein before provided.

SEC. 20. *Be it further enacted*, That whenever it shall appear to the Warden of the State Prison, that any convict received into the same, pursuant to the sentence of any Court, shall have been before sentenced by competent authority of this or any other State, to confinement to hard labour for term of life or years, it shall be the duty of the said Warden to make representation thereof, as soon as may be, to the County Attorney for the County of Suffolk ; and he shall, by information, or other legal process, cause the same to be made known to the Justice of the Municipal Court of the City of Boston, and for the County of Suffolk, and the said Justice shall cause the person or persons, so informed against, to be brought before him, in order that, if they deny the fact of a former conviction, it may be tried according to law, whether the charge contained in such information be true. And if it appear, by the confession of the party, by the verdict of a Jury, or otherwise, according to law, that said information is true, the Court shall further proceed to award against such convict the residue of the punishment provided in the foregoing section ; otherwise the said convict shall be remanded to prison, there to be held under his former sentence : *Provided*, such convict may have the right to appeal, as in other cases tried in said Court.

SEC. 21. *Be it further enacted*, That all necessary means may be used, under the direction of the Warden, to suppress insurrection, enforce obedience, and maintain order in the prison, or to prevent escapes therefrom; *Provided however*, that no convict shall be punished by solitary confinement more than ten days, or by more than ten stripes, without the consent of the Inspectors, which consent shall be given in writing, and with a statement of the occasion of punishment, shall be entered on the record.

Warden may use necessary means to suppress insurrection.

SEC. 22. *Be it further enacted*, That if any officer, or other person employed in said prison, shall voluntarily suffer any convicts therein confined to escape, or shall in any way consent to such escape, he shall, on conviction thereof before the Supreme Judicial Court, be punished by solitary imprisonment for a term not exceeding one year, and by confinement to hard labour for a term not exceeding twenty years, at the discretion of said Court.

Punishment of officers for suffering convict to escape.

SEC. 23. *Be it further enacted*, That if any officer, or other person employed in said prison, shall negligently suffer any convict under sentence of solitary confinement, to be at large without the cell assigned to such convict, or shall negligently suffer such convict, or any convict therein confined under sentence to hard labour, to be at large, without the precincts of said prison, or shall suffer any convict confined in said prison, to be visited, conversed with, comforted, or relieved, contrary to the rules and regulations thereof, such officer, or other person so neglecting his duty, shall, on conviction thereof before the Supreme Judicial Court, be punished by fine, not exceeding five hundred dollars.

Punishment for suffering convict sentenced to solitary confinement to go at large.

SEC. 24. *Be it further enacted*, That if any person shall forcibly or fraudulently rescue, or attempt to rescue, any convict from the custody of any officer, or other person authorized or empowered by warrant of commitment as aforesaid, or from the State Prison, or from any other prison, where such convict may be lawfully committed, pursuant to any sentence of solitary imprisonment or con-

Punishment for rescue.

finement to hard labour, or shall convey to any convict in custody, or committed as aforesaid, or into said State Prison, or any other prison, any tool, instrument, weapon, or other aid, with intent to enable such convict to escape, or to procure the escape of any convict, whether such escape be effected or not, every person so offending, being duly convicted before the Supreme Judicial Court, shall, and may be punished by solitary imprisonment, not exceeding one year, and by confinement to hard labour, not exceeding ten years, or at the discretion of the Court, may be punished with a fine not exceeding five hundred dollars, and by binding to good behaviour for a term not exceeding three years, according to the nature and aggravation of the offence.

Courts in Middlesex and Suffolk Counties shall have concurrent jurisdiction over State Prison.

SEC. 25. *Be it further enacted*, That respecting all crimes and offences committed within the State Prison aforesaid, and the precincts thereof, the said prison and precincts shall, in all judicial proceedings, be deemed and taken to be, as well within the County of Suffolk as the County of Middlesex, and the several Courts of the said Counties, respectively, shall have concurrent jurisdiction over the same, and of all crimes and offences therein committed.

Inspectors may give recommendation, &c. to convicts, when discharged.

SEC. 26. *Be it further enacted*, That when any convict shall be discharged, who shall have uniformly conducted well during his confinement, the Inspectors may give him a recommendation, or assist him in procuring employment, at his request, if they shall see fit. And every convict, previous to his being discharged at the expiration of his sentence on a second commitment, shall have the letters Mass. S. P. and also the year, in figures, when his discharge shall take place, marked on the inner surface of the upper part of his left arm, by puncturing the skin, and rubbing some colouring matter on the same.

SEC. 27. *Be it further enacted*, That from and after the first day of April next, the Act entitled "An Act providing for the government and regulation

of the State Prison, passed the twenty-first day of June, one thousand eight hundred and eleven; an Act in addition thereto, passed the sixteenth day of June, one thousand eight hundred and thirteen; an Act further in addition thereto, passed the first day of March, one thousand eight hundred and fifteen; and an Act further in addition thereto, passed the twelfth day of June one thousand eight hundred; and eighteen; and an Act entitled "An Act making further provision for the punishment of Convicts, sentenced to hard labour, and the better regulation of the State Prison," passed the twenty-third day of February, one thousand eight hundred and eighteen, excepting the fifth and sixth sections thereof, so far as the said fifth and sixth sections are not altered by the nineteenth and twentieth sections of this Act; and also an Act entitled "An Act for regulating the supplies of food and other articles for the State Prison, and for letting by contract the labour of the Convicts," passed the twenty-third day of February, one thousand eight hundred and twenty-two; also, an Act entitled "An Act in addition to the several Acts for the government and regulation of the State Prison, and defining the powers and duties of the Officers of the same," passed the tenth day of March, one thousand eight hundred and twenty-seven, be, and the same are hereby repealed, saving always that all acts, matters and things done under, and pursuant to said Acts, shall remain good and valid, and all officers, agents, and servants of said Prison, who have been appointed or employed under the same, shall remain in their respective offices and places, until others are appointed and employed in their stead, in the same manner they would have done, had not said Acts been repealed,—and the powers and duties to be exercised and performed by the Directors, as is provided in an Act, entitled "An Act for the erecting another building within the limits of the State Prison in Charlestown, and for the better government thereof," passed the fifteenth day of February, one thousand eight hundred and twenty-six, shall be ex-

Acts repealed.

exercised and performed by the Inspectors, to be appointed in conformity to the provision of this Act. And this Act shall take effect, and be in force from and after the said first day of April, one thousand eight hundred and twenty eight.

[Approved by the Governor, March 11, 1828.]

CHAP. CXIX.

An Act concerning Houses of Correction.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the several counties in this Commonwealth shall not be obliged to build Houses of Correction, until two years from the passage of this Act.

SEC. 2. *Be it further enacted,* That the Attorney General and Solicitor General be, and they hereby are, directed to discontinue any information filed by them against any County, or the Court of Sessions of any County, for not building a House of Correction.

[Approved by the Governor, March 11, 1828.]

CHAP. CXX.

An Act to incorporate the Proprietors of the Stock-
bridge Academy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Cyrus Williams, David D. Field, Edward Bunall, Henry W. Dwight, Theodore Sedgwick, their associates, successors and assigns, be, and they hereby are constituted a body corporate, by the name of the Proprietors of the Stockbridge Academy, and by that name shall have power to make contracts, to sue and be sued, to have a common seal, to take by deed or otherwise, real and personal estate, the annual income of which shall not exceed the sum of five thousand dollars, to make all lawful and necessary rules and by-laws for the management of said Corporation, and to appoint all proper officers for said Institution, and to define their powers, duties and liabilities.

Persons incorpo-
rated.

Name.

May hold real
and personal
estate.

SEC. 2. *Be it further enacted,* That the funds of said Corporation shall be divided into shares of ten dollars each ; and each proprietor shall be entitled to one vote for each share ; and the first meeting of said proprietors shall be called by Cyrus Williams, who shall give notice of the time and place of said meeting, in some newspaper printed in the County of Berkshire, ten days at least, previous thereto ; and the Legislature may at any time alter or repeal this Act.

First meeting.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXI.

An Act to incorporate the President, Directors and Company of the India Bank.

Persons incorpo-
rated.

Name.

Proviso.

Amount of capi-
tal stock.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That David Lee Child, Robert Farley, Le Baron Putnam, Ralph Huntington and Francis W. Dana, be, and they hereby are, created a Corporation, by the name of the President, Directors and Company of the India Bank, and shall so continue, until the first Monday in October, in the year of our Lord, one thousand eight hundred and thirty-one; and the said Corporation shall be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified or altered by this Act, as fully and effectually, as if the several sections of said Act were herein specially recited and enacted: Provided, however, that the amount of bills issued from said Bank at any one time, shall not exceed the amount of capital stock actually paid in.*

SEC. 2. *Be it further enacted, That the capital stock of said Corporation shall consist of the sum of five hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, to wit: one fourth part thereof, on or before the first day of June next, one fourth part thereof, on or before the first day of September next, one fourth part thereof, on or before the first day of December next, and the remaining part thereof, within three months thereafter; and no dividend shall be declared on the capital stock of said Bank, until the whole of said stock shall have been*

paid in, conformably to the provisions of this Act: and the Stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine: and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time, with power to sell and convey the same by deed, under the seal of said Corporation, and signed by the President and two of the Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided, however,* that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to said Corporation: *And provided further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to two hundred and fifty thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the money actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and for no other purpose, and that it is intended therein to remain, as a part of said capital; and to return a certificate thereof to the Governor: and no Stockholder shall be allowed

May hold real estate.

Proviso.

Commissioners to be appointed.

to borrow any money at said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before required.

Bank to be kept
in Boston.

SEC. 3. *Be it further enacted*, That said Bank shall be established and kept in Boston, and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation, or by any person on their account, at any other place than at said Bank,

Shall loan money
to the Common-
wealth.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable in five annual instalments or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided, however*, that the Commonwealth shall not stand indebted to the said Corporation without their consent, for a larger sum than twenty per centum of their capital stock then paid in.

Proviso.

May call meet-
ing for making
by-laws, &c.
&c.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and the choice of the first Board of Directors, and of such other officers as they shall see fit to choose.

Commonwealth
may own stock.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said Corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation in manner herein before provided, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right from time to time to appoint a number of Directors to said Bank, in the proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank.

Commonwealth
may appoint
Directors.

SEC. 8. *Be it further enacted*, That the number of Directors to be annually chosen shall be nine, five of whom shall constitute a quorum for the transaction of business: and the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Choice of Directors.

Cashier to give
Bond.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay by way of tax, to the Treasury of this Commonwealth for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of capital stock which shall have been paid in.

Stock subject to
tax.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration: and shall also be holden to pay to any bona fide holder, the amount of any note counterfeited, unless all the notes actually issued by said Corporation, shall be printed or impressed with the stereotype plate: and said Corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange, any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Notes counter-
feited.

Stock not to be
sold or transfer-
red.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this Act; and in case the same shall not be put in operation according to the provisions thereof within the year aforesaid, it shall be void.

Committee shall
have access to
books, &c.

SEC. 12. *Be it further enacted*, That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults; and if, upon such an examination it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers granted them, or failed to comply with any of the rules, restrictions and conditions provided in the laws relating to them, their charter thereupon may be declared forfeit and void.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXII.

An Act to incorporate the President, Directors, and Company of the Sutton Bank.

Persons incorpo-
rated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Wilkinson, Samuel Taylor, Joshua W. Leland, Jonas L. Sibley, Hezekiah Howe, Clarke Brown, Caleb Chase, Abraham Chase, Asa Woodbury, Joshua Armsbury, Sullivan Newton, Thomas Harbach, and John Dudley, their associates, successors, and assigns, shall be, and hereby are, created a Corporation, by

the name of the President, Directors, and Company of the Sutton Bank, and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one. And the said Corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act entitled "An Act to incorporate the President, Directors, and Company of the State Bank," except so far as the same are modified and altered by this act, as fully and effectually, as if the several sections of the said act were herein specially recited and enacted: *Provided however*, that the amount of bills issued from said Bank, at any one time, shall not exceed the amount of the capital stock actually paid in.

Name.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall consist of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth shall subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, viz: one half part thereof, on or before the first day of October next, and the remaining part thereof, on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty nine; and no dividend shall be declared upon the capital stock of said Bank, until the whole of the capital stock thereof shall have been paid in, conformably to the provisions of this act; and the Stockholders, at their first meeting, shall, by a majority of their votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors, and assigns, until they shall otherwise determine; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors and assigns, lands, tenements, and hereditaments, to the

Capital Stock.

May hold real estate.

Proviso.

amount of ten thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of, and convey the same by deed, under the seal of said Corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting, on banking principles, on such security as they may think proper : *Provided however*, that nothing herein contained, shall prevent or restrain said Corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to said Corporation : *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills, or promissory notes, be made or issued from said Bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in their vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the said Corporation, to examine the monies actually existing in said vaults, and to ascertain, by the oaths of the Directors of said Bank, or a majority of them, that said capital stock hath been bona-fide paid in by the Stockholders of said Bank, and towards the payment of their respective shares, and not for any other purpose, and that it is intended therein to remain, as a part of said capital, and to return a certificate thereof to the Governor; and no Stockholder shall be allowed to borrow any money at said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Duty of Commissioners.

Location.

SEC. 3. *Be it further enacted*, That the said Bank shall be established in the town of Sutton, and shall have seven Directors, whom a majority of shall always be resident in said town, and all of them in the County of Worcester; and no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place, than at said Bank.

SEC. 4. *Be it further enacted*, That any Committee, specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults ; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded their powers herein granted to them, or have failed to comply with any of the rules, restrictions, or conditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

Legislature may
appoint committee
to examine,
&c.

SEC. 5. *Be it further enacted*, That the persons hereinbefore named, or any of them, are authorized to call a meeting of the Stockholders of said Corporation, at a convenient time and place, by advertising the same, three weeks successively, in the National Aegis, and Worcester Yeoman, two papers published in Worcester, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

May call meeting
for making
by-laws, &c.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall provide therefor, to subscribe, on account of said Commonwealth, a sum not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation, herein before provided for ; and whenever the Commonwealth shall become so interested in said Bank, the Legislature shall have a right to appoint four additional Directors for the management of the same.

Commonwealth
may subscribe,
&c.

SEC. 7. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona-fide holder, the original amount of any note of said Bank altered to a larger amount in the course of its circulation, notwithstanding such alteration ; and shall also be liable to pay any bona fide holder the amount of any note of said Bank, coun-

Corporation liable
for notes
altered, &c.

terfeited, unless all the notes actually issued by said Bank shall be printed, or impressed, with the stereotype plate ; and that said Corporation shall not, at any place whatever, directly, or indirectly, purchase, receive, pay, or exchange, any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Tax. SEC. 8. *Be it further enacted*, That said Corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasury of this Commonwealth, for the use of the same, and within ten days after the first Mondays of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Corporation shall
loan to the
Commonwealth

SEC. 9. *Be it further enacted*, That whenever the Legislature shall require it, said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual interest, at a rate not exceeding five per centum per annum.

Stock not trans-
ferable for one
year.

SEC. 10. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act ; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Cashier shall
give bonds.

SEC. 11. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with sureties, for the faithful discharge of the duties of his office, in the penal sum of twenty thousand dollars.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXIII.

An Act to incorporate the Fall River Institution for Savings.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Oliver Chase, James Ford, Harvey Chase, Bradford Durfee, John C. Borden, Clark Shove, and Hezekiah Battelle, be, and they hereby are, constituted a Corporation, by the name, style and title, of the Fall River Institution for Savings, and that they, and such others as shall be duly elected members of the said Corporation, as in this act is provided, shall be and remain a body politic and corporate, by the same name, style, and title, for the term of twenty years.

Persons incorporated.

Name.

SEC. 2. *Be it further enacted,* That the said Corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

May receive deposits.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said Society, shall be, by the said Corporation, used and improved to the best advantage; and the income, or profit thereof, shall be by them applied and divided among the persons making the said deposits, their executors, administrators or assigns, in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times, and in such manner, as the said Society shall direct and appoint.

Deposits to be improved.

SEC. 4. *Be it further enacted,* That the said Corporation shall, at their annual meeting in April, have power to elect, by ballot, any other person or persons, as members of the said Society.

May elect other members.

SEC. 5. *Be it further enacted,* That the said Cor-

Powers.

poration may have a common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements, made by their Treasurer, or any other person by their authority and direction, shall be good and valid ; and the said Corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name, style, and title aforesaid.

Place of meeting, &c.

SEC. 6. *Be it further enacted*, That the said Corporation shall hereafter meet at Fall River, some time in the month of April, annually, and as much oftener as they may judge expedient ; and any seven members of the said Corporation, the President, Secretary, or Treasurer, being one, shall be a quorum ; and the said Corporation, at their meetings in April annually, shall have power to elect and choose a President, and all other such officers as to them shall appear necessary, which officers, so chosen, shall continue in office one year, and until others are chosen in their room ; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

May make by-laws.

SEC. 7. *Be it further enacted*, That the said Corporation hereby are vested with the power of making laws for the more orderly managing the business of the Corporation : *Provided*, the same are not repugnant to the Constitution or laws of this Commonwealth.

First Meeting.

SEC. 8. *Be it further enacted*, That James Ford be, and he is hereby authorized, by public notifications in the Fall River newspaper, to call the first meeting of the said Society, at such time and place as he shall judge proper.

Duties of officers and agents.

SEC. 9. *Be it further enacted*, That the officers and agents of the said Institution shall lay a statement of the affairs thereof before any persons appointed by the Legislature to examine the same, whenever required so to do ; and shall exhibit to them all the books and papers relating thereto ; and shall submit to be examined by them concern-

ing the same, under oath ; and the Legislature may, at any time, make such further regulations for the government of said Institution, as they may deem expedient ; and may alter, amend, or repeal this act at pleasure.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXIV.

An Act to incorporate the Lowell Brewery.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Kirk Boot, Paul Moody, Charles Smith, Cyril French, their associates, successors and assigns, be, and they are hereby made a Corporation, by the name of the Lowell Brewery, for the purpose of manufacturing Malt Liquor in the town of Lowell, in the County of Middlesex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “ An act defining the general powers and duties of Manufacturing Corporations,” and the several acts in addition thereto.

Persons incorporated.

Name.

Powers, &c.

SEC. 2. *Be it further enacted,* That the said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, exclusive of improvements, and such personal estate, not exceeding the value of twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid.

May hold real and personal estate.

SEC. 3. *Be it further enacted,* That any one of the

First meeting.

persons mentioned in this act be, and hereby are, authorized to appoint the time and place of holding the first meeting of said Corporation, and to notify them thereof, either by personal notice, or otherwise.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXV.

An Act to change the Names of the Persons therein mentioned.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, Sarah Ballough, of Boston, in the County of Suffolk, may take the name of Sarah Goodwin, that Thomas Ballough may take the name of Franklin Goodwin, that Sarah Ann Ballough may take the name of Sarah Elizabeth Goodwin, that Abigail Lamb Ballough may take the name of Charlotte Augusta Goodwin, that Samuel Ballough may take the name of Samuel Goodwin, and that George Ballough may take the name of George P. Goodwin—all minor children of said Sarah Ballough first named ; and the said persons, from and after the passing of this act, shall be known and called by the names which they are respectively allowed to assume as aforesaid.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXVI.

An Act to incorporate the President, Directors and Company of the Lowell Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Phineas Whiting, Kirk Boot, Samuel Bachelder, Paul Moody, Thomas Hurd, Josiah Crosby, Daniel Richardson, Nathaniel Wright, and their associates, successors and assigns, shall be, and hereby are, created a corporation, by the name of the President, Directors and Company of the Lowell Bank, and shall so continue, from the third Monday in March, one thousand eight hundred and twenty eight, until the first Monday in October, which will be in the year of our Lord, one thousand eight hundred and thirty-one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," excepting so far as the same are modified or altered by this Act, as fully, as if the several sections of said Act were herein specially recited and enacted: Provided, however, that the amount of bills issued from said Bank at any one time, shall not exceed the amount of the capital stock actually paid in.*

Persons incorporated.

Name.

Proviso.

SEC. 2. *Be it further enacted, That the capital stock of the said Corporation shall consist of the sum of one hundred thousand dollars in gold and silver, to be, besides such part as the Commonwealth may subscribe in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say, one half part thereof, on or before the first day of September next, and the residue thereof, on or before the first day of February next; and no dividend shall be declared on the capital stock of said Bank, until the whole of said stock shall have*

Amount of Capital Stock.

been paid in, conformably to the provisions of this Act ; and the Stockholders, at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine ; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of and convey the same by deed, under the seal of said Corporation, and signed by the President or two Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security, as they may think advisable : *Provided, however,* that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution to any amount, as security for, or in payment of any debts due to the said Corporation : *And provided further,* that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, to ascertain by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor ; and no stockholder shall be allowed to borrow money of said Bank, until he

May hold real estate.

Proviso.

Powers of Commissioners.

shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in the town of Lowell, and the whole number of Directors shall be nine : and a majority of the Board shall be inhabitants of said town ; and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation, or by any person on their account, in any other place than at the said Bank.

Bank to be kept
in Lowell.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided*, however, that the Commonwealth shall never stand indebted to said Corporation without their consent, for a larger sum than twenty per centum of their capital then paid in.

Shall loan money
to the Common-
wealth.

Proviso.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the Members and Stockholders of said Corporation, so soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the Lowell Journal, a newspaper printed at Lowell, for the purpose of making, ordaining and establishing such by-laws and regulations, for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary : *Provided*, the same be not repugnant to the laws and Constitution of this Commonwealth, and the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

First meeting.

By-laws,&c.

Proviso.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe

Commonwealth
may subscribe.

on account of the Commonwealth, a sum, not exceeding fifty thousand dollars, to be added to the capital stock of said Corporation, subject to such rules, regulations and provisions as to the management thereof, as shall be by the Legislature made and established.

Commonwealth
may appoint
Directors.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said Corporation in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right from time to time, to appoint a number of Directors to said Bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock actually paid into said Bank, if at any time hereafter they shall see fit to exercise the right.

Cashier shall
give bond.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Stock liable to
tax.

SEC. 9. *Be it further enacted*, That the said Corporation, from and after the first day of May next, shall pay by way of tax to the Treasurer of the Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have been paid in.

Notes counter-
feited.

SEC. 10. *Be it further enacted*, That the said Corporation shall be liable to pay, to any bona fide holder, the original amount of any note of said Bank counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration; and shall also be liable to pay to any bona fide holder, the amount of any note of said Bank counterfeited, excepting such note is printed or impressed with the stereotype plate: and said Corporation shall not at any place, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or any other Bank incorporated with-

in this Commonwealth, for a less sum than the nominal value expressed in such bill or note.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank, or any part of it, shall not be sold or transferred during the period of one year from the passing of this Act; and in case the same shall not be put in operation within the year aforesaid, it shall be void.

Stock not to be transferred for one year.

SEC. 12. *Be it further enacted*, That any Committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and have free access to all their books and vaults; and if upon such examination it shall be found, and after a full hearing of said Corporation thereon be determined by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided, this Act of incorporation shall thereupon be declared to be forfeited and void.

Legislature shall have access to Books, &c.

[Approved by the Governor, March 11, 1828.]

CHAP. CXXVII.

An Act to establish the Warren Bridge Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Skinner, Isaac Warren, John Cofran, Nathaniel Austin, Ebenezer Breed, Nathan Tufts, and their associates, successors, and assigns, be, and they hereby are, constituted a Corporation, by the name of "The Proprietors of the Warren Bridge," and by that name may sue and be sued to final judgment and

Persons incorporated.

Name.

execution, and do and suffer all other matters and things which bodies politic may or ought to suffer and do ; and said Corporation shall have full power to make and use a common seal, and the same to break, alter, and renew, at pleasure.

Corporation authorized to build Bridge, &c.

SEC. 2. *Be it further enacted*, That said Corporation be, and they are hereby authorized, to locate, build, and construct, or to cause to be built and constructed, a Bridge across Charles River, from or near the wharf in Charlestown, late the property of John Harris, Esq. deceased, to the newly made lands in Boston, near the Mill Creek, so called, with a good and sufficient draw, as wide as the draw of the present Charles River Bridge ; said draw to be located by Commissioners, to be appointed by the Governor, with advice of Council, at the expense of said Corporation ; and shall erect a wharf or pier near said draw, on each side of said Bridge, for the accommodation of vessels passing through the same, said draw and said wharves to be planked upon the inside from the top of low water to the top of said draw and wharves, and also a pier wharf not less than eight feet wide upon the top, well covered with plank, and also planked up on each side from the top of low water to the top of said pier wharf. And said pier wharf shall be placed in a direct line from the north side of the draw through Charles River Bridge, and within one hundred and thirty feet from, and not nearer to, said Bridge, towards the wharf to be built on the east side of the proposed new Bridge, and within thirty feet of said wharf ; and said wharf shall be built on the north side of the draw through said Bridge ; and said Bridge, together with the wharves or piers, shall be built of good and sufficient materials ; the Bridge to be not less than forty-four feet in width from outside to outside, and wharves or piers not less than one hundred feet in length, and thirty feet in width.

Shall keep Bridge, &c. in good repair.

SEC. 3. *Be it further enacted*, That said Corporation shall be held liable to keep said Bridge and draw in good repair, and to raise the draw, and

afford all necessary and proper accommodation to vessels having occasion to pass the same, by day or by night; and shall keep said Bridge sufficiently lighted, by lamps on each side of the same, not exceeding seventy feet apart; and if any vessel shall be unreasonably delayed or hindered in passing said draw, by the negligence of said Corporation or their agents, in discharging the duties enjoined by this act, the owners or commanders of such vessels may recover reasonable damages therefor, of said Corporation, in an action on the case, before any Court proper to try the same.

SEC. 4. *Be it further enacted*, That said Corporation shall be holden to make compensation to any person, persons, or corporation, whose real estate shall be taken for the use of said Bridge, and if there should be a difference of opinion as to the value of the same, either party may apply to the Court of Common Pleas in the County where such real estate lies, for a committee to estimate the damage such person, persons, or corporation, will sustain; and upon such application, the Court, after ten days' notice to the adverse party to appear, and shew cause, why such committee should not be appointed, shall, if no good reason be shown to the contrary, appoint three or five disinterested freeholders within the County, who being first sworn before some Justice of the Peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of real estate taken as aforesaid, and shall make return of their doings, as soon as may be, to the said Court; and upon acceptance of said report, judgment may be given thereon, with costs, to either party, according to the discretion of the Court: *Provided*, that in all cases either party may claim a trial by Jury, as in similar cases where lands are taken for public uses.

Shall make compensation for real estate, &c.

Proviso.

SEC. 5. *Be it further enacted*, That either of the persons named in this act, is authorized to call the first meeting of said Corporation, by causing notice

First meeting.

Shall choose a Clerk and Treasurer, make and establish by-laws, &c.

thereof to be published in one or more of the newspapers printed in Boston or Charlestown, at least seven days previous to the time of holding such meeting; and said proprietors, by a vote of a majority of those present, or represented by proxy, at said meeting, allowing, in all cases, one vote to each share, shall choose a Clerk and Treasurer, who shall be sworn to a faithful discharge of the duties of their respective offices; the Treasurer to give bonds of not less than ten thousand dollars, with sufficient sureties, and said offices may be united in one person, if the proprietors shall so elect; and at the same, or any subsequent meeting, said proprietors may make and establish any by-laws, rules and regulations, not repugnant to the Constitution and laws of the Commonwealth, that shall be necessary or convenient for regulating said Corporation, and for effecting, completing, and executing the purposes aforesaid, and for collecting the toll hereinafter granted; and the same by-laws, rules, and regulations, may cause to be kept and executed; or for the breach thereof may order and enjoin fines and penalties, not exceeding twenty dollars. The said proprietors may also choose and appoint any other officer or officers of said Corporation, that may be deemed necessary; and this act, and all by-laws and votes of the said Corporation shall be fairly and truly recorded by their Clerk, in a book or books, for that purpose provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

Toll, &c.

SEC. 6. *Be it further enacted*, That for the purpose of reimbursing the said proprietors for the money expended and to be expended in building and supporting said Bridge, the same toll be, and hereby is granted, for the benefit of said proprietors, as was granted to the proprietors of Charles River Bridge, by their act of incorporation; and when said proprietors shall be reimbursed the money by them expended in and about the building said Bridge, and other necessary expenses, with five per cent. in-

terest thereon, then the said Bridge shall revert to, and become the property of the Commonwealth, and shall be surrendered by said proprietors, in good repair, and the obligations herein imposed on said Corporation shall then cease: *Provided*, the term for taking toll aforesaid, by the proprietors aforesaid, shall not exceed six years.

SEC. 7. *Be it further enacted*, That it shall be the duty of said proprietors, as soon as said Bridge is completed, to make to the Governor and Council an exhibit of the cost of the same, which shall not exceed the sum of sixty thousand dollars; and on the second Monday of January, annually, to exhibit, as aforesaid, a statement of the profits accruing from the toll, stating particularly the amount of money received, and the amount expended; the expenses in no case to exceed five thousand dollars annually; all said statements to be sworn to by the Treasurer; and if said Corporation shall not, within three years from the passing of this act, locate, construct, build, and complete said Bridge, agreeably to the provisions of this act, then this act shall be null and void.

Proprietors to make an exhibit of expenses to the Governor and Council.

SEC. 8. *Be it further enacted*, That at the expiration of one year from the time of opening said Bridge for passengers, and annually thereafter, until said Bridge shall revert to the Commonwealth, the said proprietors shall pay, out of the income accruing from tolls, one half the sum now required to be paid to Harvard College or University, annually, by the proprietors of Charles River Bridge, and the said proprietors of Charles River Bridge shall be exonerated from paying to said College or University, so much as is hereby required to be paid by the proprietors of the Warren Bridge.

Proprietors shall pay to Harvard University one half the sum required to be paid by C. R. B.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXVIII.

An Act to authorize the Hampshire and Hampden Canal Company to construct a Canal from Northampton to the North Line of this Commonwealth.

Powers, &c.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Hampshire and Hampden Canal Company may, and the same is hereby authorized to locate, construct and fully complete a navigable Canal, with locks, tow-paths, basins, wharves, dams, embankments, toll-houses, and other necessary appendages, commencing at some convenient point in the town of Northampton in the County of Hampshire, and so as to form a navigable connection of the Canal hereby authorized, with the Canal which said Company was heretofore authorized to construct, and thence passing in such course or courses, as may be most convenient for said Company, northerly through the towns adjoining Connecticut River, to the North Line of this Commonwealth, in the town of Northfield in the County of Franklin, with power to employ and use, as reservoirs or feeders, for the purpose of supplying with water said Canal, or such works as may have any portion of their water diverted from them, to supply said Canal, the different ponds, rivers, and streams of water, near or over which said Canal may pass, except Connecticut River, and also to save the flood, and other waters of the ponds, rivers and streams so used as aforesaid, and to construct artificial reservoirs, for the purposes aforesaid; and the said Corporation shall have power to connect with said Canal, by feeders or navigable Canals, any of said ponds, rivers, streams and reservoirs: and said Canal, and the Canal hereinafter provided to connect the same with Connecticut River, shall be not less than thirty four feet wide at the surface of the water, twenty

feet wide at the bottom, and four feet deep ; and the locks on said Canals shall be of such length and width, that boats which can conveniently navigate Connecticut River, may float and pass on through the same : *Provided, however,* that all damages which Proviso. may be occasioned to any person or persons, corporation or corporations, by any of said canals, reservoirs or feeders, or in the construction thereof, shall be satisfied by said Corporation, in manner hereinafter provided.

SEC. 2. *Be it further enacted,* That if at any time after said Canal, or any of its branches or feeders, are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said Corporation shall have power to deviate from the course marked out, so far, and in such manner, Corporation may deviate from course marked out. as may be best calculated to surmount, overcome, or avoid such obstacles or inconveniences, said Corporation satisfying all damages which may be occasioned thereby, in the manner hereinafter provided. And said Corporation may from time to time, make such alterations in the course of said Canal, its branches or feeders, as may be necessary and expedient, satisfying all damages in manner aforesaid, provided such deviations and alterations are made within four years from the passing of this Act.

SEC. 3. *Be it further enacted,* That said Corporation may collect toll on all boats navigating said Canal, and on all passengers conveyed therein, and on every description of property or thing transported on said Canal, whenever, and as soon, as said Canal or any fifteen miles thereof is made and completed, and the same is connected by said Company, as herein before provided, with the Canal heretofore authorized, and with the navigation of Connecticut River, as hereinafter provided, and the waters thereof are let into said Canals for use, which toll shall be estimated for each mile's transportation on said Canal, and shall not exceed the following rates, to wit : on each boat, used principally for the transportation of property, carrying Tolls, &c.

Rates of toll.

less than twenty tons, per mile, one cent ; on each boat of the same kind, carrying more than twenty tons, per mile, one cent five mills ; on each boat used principally for the transportation of persons, per mile, ten cents ; and on each passenger conveyed therein, per mile, three mills ; on each passenger conveyed in freight boats, per mile, three mills ; on salt, gypsum, stone, slate, sand, bricks, lime, copperas, iron ore, pig iron, iron castings, staves, heading, hoop poles and split lath, and mineral coal, per ton, per mile, one cent ; on iron, cotton, domestic spirits, pot and pearl ashes, flour, beef, pork, and all agricultural productions, and all articles not enumerated, which may be carried towards tide-water, per ton, per mile, one cent five mills ; on boards, and all sawed stuff reduced to inch measure, and all lath and other sawed stuff, less than one inch thick, if conveyed in boats, per thousand feet, per mile, one cent five mills ; on the same if transported in rafts, per thousand feet, per mile, two cents five mills ; on shingles, if conveyed in boats, per thousand, per mile, three mills ; on the same, if transported in rafts, per thousand, per mile, five mills ; on timber, square or round, if conveyed in boats, for every hundred solid feet, per mile, one cent five mills ; on the same, if transported in rafts, for every hundred solid feet, per mile, two cents five mills ; on wood for fuel, if conveyed in boats, per cord per mile, one cent ; on the same if in rafts, per cord, per mile, two cents ; on all articles not enumerated, per ton, per mile, three cents ; each ton mentioned in the foregoing rates, to be computed by weight : but the Legislature shall have a right to alter the rates of toll, after twenty years from the passing of this Act : and when said Corporation shall have been reimbursed all expenses for the construction of said Canal, with twelve per cent. per annum interest thereon, besides the necessary expenses of keeping the same in repair, then the property of said Canal shall be vested in the Commonwealth, and be at the disposal of the Legislature.

Sec. 4. *Be it further enacted, That said Corpora-*

tion shall have the power from time to time to make and ordain such by-laws, rules and regulations, as may be necessary, touching the premises, especially to fix upon and determine the size and form of boats, rafts, and all other vessels, which shall be used for the purpose navigating said Canal, to determine the time and manner of passing the locks, and what commodities shall not be transported during a want of water, should such an event happen on any portion of said Canal, provided the same be not repugnant to the Constitution and laws of this Commonwealth: *And provided further*, that the Legislature of this Commonwealth may modify or annul any such by-laws, rules, and regulations; and the penalties provided by said by-laws, rules, and regulations, may be sued for and recovered by the Treasurer of said Corporation, or by any other person by said Corporation thereunto authorized, to the use of said Corporation, before any Justice of the Peace or any Court proper to try the same, in the County wherein said penalty shall accrue, which penalties shall in no case exceed the sum of ten dollars; and said Corporation shall cause all such by-laws to the breach of which penalties are affixed, to be printed and a copy thereof to be placed in some conspicuous situation at each toll-house, and if any person or persons shall wantonly or maliciously mar, deface, or pull down any copy so set up, said Corporation may sue for, and recover to their own use, of such person or persons, before any Court proper to try the same, a sum not exceeding five dollars.

May make by-laws, &c.

Proviso.

SEC. 5. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the water or navigation, remove, or in any way spoil, injure or destroy said Canal, or its branches, or feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she, or they, or any person or persons, aiding, assisting or abetting such trespass, shall forfeit and pay to said Corporation for every such offence, treble such damages as shall be proved before the Justice, Court, or Jury, before which the trial shall be

Penalty, how recovered, &c.

had, to be sued for and recovered before any Justice of the Peace or Court proper to try the same, in the County where such offence shall have been committed, in the name of the Treasurer of said Corporation, or of such other officer as they shall authorize, to the use of said Corporation; and such offender or offenders for any offence or offences contrary to the above provisions of this Act, shall be liable to indictment by the Grand Inquest of the County wherein the offence shall have been committed, and on conviction thereof, either in the Supreme Judicial Court, or in any Court of Common Pleas, to be holden in said County, shall pay a fine not exceeding five hundred dollars, and not less than thirty dollars, to the use of the Commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the Court, before which the conviction may be had.

Fine.

Corporation
shall make
report, &c.

SEC. 6. *Be it further enacted*, That whenever said Corporation shall have located said Canal, or any part thereof, or the feeders or branches thereto, or any of them, they shall make report of so much thereof as is located in the County of Hampshire, to the Court of Sessions, or County Commissioners in said County of Hampshire, and of so much thereof as is located in the County of Franklin, to the Court of Sessions or County Commissioners in said County of Franklin, at any regular or adjourned term of said Courts respectively, wherein they shall particularly describe the bearings of the intended route, or any section thereof, its width, including tow-paths, embankments, basins, wharves, excavations, the reservoirs intended to be constructed or used, and the names of the owners of the lands, as far as the same can be ascertained, which report, or reports, so made, of the whole or any section or portion of said Canal, or of any one or more of the feeders, branches, or reservoirs, shall be placed on the files of the Court, to which the same shall be returned; and notice shall be given thereof to the owners of the lands embraced therein, if known, in such manner as said Court shall direct, at the

expense of said Corporation; and said Courts shall thereupon, severally, each in its respective County, appoint three disinterested and discreet Freeholders of said County (vacancies, if any thereafter happen, to be filled by said Courts respectively) to estimate all damages which will accrue in their respective Counties, to any person or persons, corporation or corporations, whose lands are described or mentioned, in the report, or reports of said Commissioners: *Provided*, said Canal, or any section thereof, or any branch or feeder thereof, or basin, wharf, or other appendage, or appurtenance thereto, be constructed thereon; and the said Commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof; and shall give public and reasonable notice in such manner as said Courts shall respectively direct, to all persons, or corporations, interested, to file their claims, if any they have, which have not been released to said Corporation, with some one of said Commissioners, or with the Clerk of the Court to which the report shall have been made, within thirty days from the date of such notice; at the end of the time allowed for filing such claims for damages, the Commissioners, or a majority of them respectively, shall give public notice to all parties interested, of the time, and of the extent of the route to be by them examined, by publishing an advertisement thereof, in three successive papers, at least, the said Commissioners for the County of Hampshire, in a newspaper printed in said Northampton; and the said Commissioners for the County of Franklin, in a newspaper printed in Greenfield, in said County; whereupon, said Commissioners, or a majority of them, each in their respective County, shall pass over the premises, so intended to be used by said Corporation for the purposes aforesaid, and, after hearing the parties in interest, or such of them as desire to be heard, shall, according to their best skill and judgment, estimate all such damages as they shall think any person or persons, corporation or corporations, will

Provido.

Commissioners
shall be sworn,
&c.

Commissioners shall make return of their doings to Court of Sessions, or County Commissioners.

sustain by opening said Canal, or any of its branches or feeders, through his, her or their lands in said County, or by the construction of any reservoir, embankments, tow-paths, basins, wharves, or other appendages, or by the diversion of the water from any of the ponds, rivers, or streams in said County, over and above the benefit and advantages which such Commissioners shall adjudge will accrue to such person or persons, corporation or corporations, from the same; and the said Commissioners, or a majority of them, each in their respective County, shall make return of their doings to the Court of Sessions, or County Commissioners in said County, as soon as may be, to the end that the same may be accepted, allowed, and recorded; and the said Courts of Sessions, or County Commissioners, respectively, shall thereupon order the said report, or reports, to them respectively made, or the substance thereof, to be published in some newspaper printed in their respective Counties, three weeks successively, at the expense of said Corporation; and if the Corporation, or any person or persons, corporation or corporations, interested, shall be dissatisfied with the estimate of said Commissioners, application may be made, by such dissatisfied party, to the Court of Sessions, or County Commissioners, within and for the County wherein the damage complained of has been sustained, at the term thereof next after the return and acceptance of such report, and its publication as aforesaid, for a Jury to hear and finally determine upon the amount of damages to be assessed in the case complained of, which Jury shall be summoned by the Sheriff, under the direction of the Court, in manner prescribed by law in case of complaints for damages, occasioned by laying out of highways; and the verdict of said Jury shall be made returnable to the Court of Common Pleas, in the same manner that a verdict is made returnable to said Court by the law establishing County Commissioners; and the same proceedings shall be had thereon as is therein provided in relation to the verdict of

a Jury ; and they shall be under oath, according to the provisions of the law in such cases ; and if the party injured in his, her or their estate, apply for such Jury, and fail to obtain increased damages, the party so applying for a Jury, and failing as aforesaid, shall be liable for all legal costs, arising after the entering such application for a Jury ; but if such Corporation shall apply for such Jury, they shall, in all cases, pay the costs, whether the damages are increased or diminished ; and said Court may enter judgment, and issue execution for costs accordingly : *Provided always*, that in all cases, it shall be competent for said Corporation, and any person or persons, corporation or corporations, injured by the location of said Canal, or of any of its tributaries, or appendages, to submit the question of damages to such referees as they may agree upon, whose award, when returned to the Court of Common Pleas within and for the County wherein the damage has been sustained, and accepted, shall be final ; and said Court may enter judgment accordingly.

Proviso.

SEC. 7. *Be it further enacted*, That if within ninety days after the said Corporation shall have entered upon the land of any person or persons, corporation or corporations, and commenced the process of excavation or embankment, for the purpose of constructing said Canal, or any of its branches, feeders, or reservoirs, it shall not pay, or cause to be paid, the damages, if any, so assessed, in manner aforesaid, by said Commissioners, or such Jury, or awarded by referees as aforesaid, as well such person or persons, corporation or corporations, on whose land operations are so commenced, as others whose water privileges shall be thereby injured, or may be injured by the flowage or diversion of water, may have an action of debt against said Corporation, in any Court proper to try the same, in the County wherein such damage or injury may arise, to recover such damages ; and execution, from whatever Court the same may issue, for damages assessed as aforesaid, or for costs,

Persons damaged, if not paid the damages assessed within ninety days, may commence an action of debt.

shall be in the common form, *mutatis mutandis*, and may be levied upon the goods, estate, or lands of said Corporation, or any member thereof; and in case it issue from the Court of Sessions, or County Commissioners aforesaid, for costs as aforesaid, it shall be made returnable at the term of said Court then next ensuing; and the report of said Commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a Jury, being returned and recorded, or the award of referees, being made and accepted as aforesaid, shall forever be a bar to any action commenced for damages against said Corporation, its officers or agents, on account of the injury for which such damages were assessed or awarded, other than as is herein provided, saving only, that where yearly damages are assessed, the party in whose favor they are assessed or ascertained by a Jury, or awarded by referees, shall have his action of debt to recover the same, when payable, during the continuance thereof: *And provided*, that said Corporation, before entering upon the land of any person or persons, and commencing the process of excavation or embankment, for the purpose of constructing said Canal, or any of its branches, feeders, or reservoirs, shall first pay the owner or owners thereof the damages so as aforesaid assessed, awarded, or agreed upon, in all cases when by such owner or owners thereto requested: *Provided also*, that whenever the water privileges of any person or persons, corporation or corporations, or the injuries which may be sustained by the flowage or diversion of water, are such, that the Commissioners shall not be able, before the Canal is actually opened, to determine with reasonable certainty, the damages which the opening the Canal will occasion, and the party injured shall request it, the said Commissioners shall assess the damages which such person or persons, corporation or corporations, will sustain during a limited period, at the expiration of which time, a new application may be made by such person or persons, corporation or

Proviso.

corporations, to the Court of Sessions or County Commissioners, in the County where such damages accrue, and a new assessment of damages shall be thereupon made, in the manner herein before provided : *Provided also*, that any person or persons, corporation or corporations, whose water privilege shall be injuriously affected, or may be injured by the flowage or diversion of water, by the construction of said Canal, its branches, feeders, or reservoirs, and who shall not have exhibited his, her or their claims for damages, at the time herein before provided for the exhibition of claims for damages, may, nevertheless, at any subsequent period, make application to the Court of Sessions or County Commissioners, in the County where such damages accrue ; and, thereupon, the said Commissioners shall proceed to assess the damages sustained by such person or persons, or corporations, in manner aforesaid : *Provided also*, that if, after said Canal shall be located, and a report of Commissioners be made thereon in manner aforesaid, any alteration shall be made in the course thereof, or in the course of any of its feeders or branches, or if any new reservoirs, branches, or feeders, shall be made in aid of said Canal, the damages may be estimated in the same way, and the same proceedings had in manner provided in this act.

Proviso.

SEC. 8. *Be it further enacted*, That the Commissioners provided to be appointed by the Courts of Sessions or County Commissioners, shall be allowed three dollars a day, each, for their services, when actually employed in the execution of their duties, as such, to be paid by the said Corporation.

Commissioners' Fees.

SEC. 9. *Be it further enacted*, That said Corporation shall build, and keep in good repair, suitable and convenient Bridges over said Canal, in all places where said Canal shall pass any existing highway or road, or any new one which may be hereafter laid out for public use, and such other Bridges over said Canal, for the accommodation of such persons or corporations as may own lands on both sides, at such place or places,

Shall build and keep in repair Bridges over Canal.

and of such dimensions, as the Court of Sessions or County Commissioners for the respective Counties may, on application of the parties interested, order and direct; and shall also build toll-houses at such places as said Courts shall direct, and shall, at all times, keep and have suitable persons to tend the same, and to tend the locks, which shall be constructed on said Canal, and on the Canal connecting the same with Connecticut River, so that the boatmen be not unnecessarily detained on their passage.

Shall build a
connecting Ca-
nal, &c.

SEC. 10 *Be it further enacted*, That said Corporation shall construct, and shall at all times keep in good repair, at some convenient place in said town of Northampton, where the Commissioners aforesaid shall direct, a navigable Canal and Locks, and whatever other works may be needful for connecting the navigation of said Canal heretofore authorized, and of the Canal hereby granted with Connecticut River; and said connecting Canal, Locks, and other works, shall be of such dimensions, and so constructed and maintained, that all boats, or other floats, capable of being floated on said main Canals, and through the Locks connected therewith, may freely, conveniently, and without unnecessary delay, at the pleasure of the owner or person having charge of the same, be passed from and out of said main Canals, into said Connecticut River, and from and out of said River into and through said main Canals.

Toll, &c.

SEC. 11. *Be it further enacted*, That no greater rates of toll, in proportion to the distance passed, shall be charged or taken by said Corporation, for boats or other floats navigating said Canals, or for persons or things transported thereon, which shall enter into, or proceed from said River at Northampton aforesaid, than the tolls charged and bona fide taken and retained for like boats, floats, persons, or things, which shall proceed through the whole length of said Canals, from the north to the south line of this State.

SEC. 12. *Be it further enacted*, That the said Corporation may, and the same is hereby authorized, to

raise sufficient funds for the accomplishment of the objects aforesaid; and for that purpose it may, as soon as it shall see fit, after the passing this act, and from time to time thereafter, as it may become necessary, open books, at some suitable place or places, wherein subscriptions may be entered for shares in the capital stock of said Company, each share to be of the amount of one hundred dollars, and each subscriber to be a member of said Corporation, for all purposes; and every member shall have a right to vote at all meetings of said Corporation, by himself, or proxy duly authorized in writing, each share entitling the owner thereof to one vote: *Provided*, that no Stockholder shall be entitled to more than ten votes.

SEC. 13. *Be it further enacted*, That if any subscriber shall neglect to pay his subscription, or any portion thereof, for the space of thirty days after he is required so to do, by a vote of the Corporation, the Corporation, or any officer duly authorized for that purpose, may make sale of such share or shares, at public auction to the highest bidder, and the same shall be transferred to the purchaser, by the Treasurer in manner hereinafter provided, and such delinquent subscriber shall be held accountable to the Corporation for the balance of his share or shares, in case said share or shares shall be sold for less than the amount which shall be due thereon, and shall be entitled to the surplus, if any there shall be, beyond the amount of instalments, so as aforesaid due thereon. But no assessment shall ever be made, so as to render any subscriber liable to pay more than one hundred dollars for a share; nor shall the stock or property of said Corporation be liable to any species of taxation, for the term of eight years from and after the passing this act.

SEC. 14. *Be it further enacted*, That any share or shares, of any member, may be transferred by deed, acknowledged and recorded by the Clerk of said Corporation, in a book to be kept for that purpose; and the Treasurer is hereby authorized to make transfers, in like manner, of the shares of mem-

Capital Stock.

Shares of delinquents may be sold.

Shares may be transferred.

bers, sold according to the provisions of the thirteenth section of this act.

Expenses to be
refunded, &c.

SEC. 15. *Be it further enacted*, That all expenses that have been, or shall be incurred, in procuring the inspection, examination, and surveying the location of said Canal, and also all expenses that shall be incurred in procuring subscriptions to the stock as aforesaid, shall be refunded to those who shall have paid the same, out of the first instalments, and the amount thereof shall be entered on the books of the Company, and become a part of the capital stock: *Provided*, that nothing in this Act contained shall be construed to prevent this Commonwealth, whenever they shall deem the public good requires it, from intersecting said Canal by any Railway or other Canal, at such place or places, as may hereafter be deemed by them expedient: *And provided also*, if said Corporation shall neglect or refuse, for the space of four years after the passing this act, to make and complete said Canal hereby authorized, and said connecting Canal, then this act shall be void: *And it is further provided*, that said Corporation shall not take, or use, for feeders, any of the waters of Connecticut River within this Commonwealth, nor take, use, or so construct their works, as to interfere with the dams, ponds, locks, canals, or other works heretofore made or constructed by the Company called the Proprietors of the Upper Locks and Canals on Connecticut River in the County of Hampshire, nor so as in any manner to impede the free and continued use of said dams, ponds, locks, and canals, or of Connecticut River aforesaid.

Proviso.

Canals to be a
public way.

SEC. 16. *Be it further enacted*, That the Canal hereby granted, and the Canal connecting the same with Connecticut River, be, and the same hereby are declared public ways for all the citizens of this Commonwealth, and others, to pass and repass thereon with their boats, and other craft, under such by-laws, rules, and regulations, as are herein before authorized to be made; and said Company shall at all times repair and keep in sufficient repair all their works, and any unreasonable neglect so to do, shall subject

them to be punished therefor, by indictment; and if any person shall be unnecessarily or unreasonably delayed, molested, injured, or damnified by the wilful misconduct or negligence of said Company, or their agents or servants, or by any unreasonable neglect or delay of said Company, their agents or servants, in repairing or keeping in repair, any of their works, such person may have his remedy at law therefor against said Company.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXIX.

An Act in addition to "An Act for providing Hospitals for Inoculation, and preventing Infection from the Small Pox, and for repealing several Acts heretofore made for that purpose."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any Physician shall know that any person whom he is called to visit is affected with small pox, varioloid, or any disease whereby the contagion of small pox may be disseminated, such Physician shall immediately give notice thereof to the Mayor and Aldermen of any city, or to the Selectmen of any town or district of which such person so affected shall be an inhabitant or resident, on pain that every physician who shall refuse or neglect to give such notice, shall forfeit and pay for such offence, a sum not exceeding one hundred dollars, nor less than forty dollars, to be recovered on indictment or presentment of the grand jury, at any Court proper to try the same, of which forfeiture the whole shall be paid into the Treasury of the town or city where such offence shall have been committed. Penalty, &c.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXX.

An Act to incorporate the President, Directors and Company of the Southbridge Bank.

Persons incorpo-
rated.

Name.

Proviso

Amount of Capi-
tal Stock.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Eben. D. Ammidown, William Foster, Moses Plimpton, Holmes Ammidown, Luther Ammidown, Junior, John Ammidown, Horace Whitaker, Samuel A. Groves, Ira Carpenter, Frederick W. Bottom, George Sumner, Samuel Hartwell and William Healy, Junior, their associates, successors and assigns shall be, and hereby are, created a Corporation, by the name of the President, Directors and Company of the Southbridge Bank, and shall so continue, until the first Monday in October, which will be in the year of our Lord, one thousand eight hundred and thirty-one; and the said Corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the rights, privileges and immunities, which are contained in an Act, entitled "An Act to incorporate the President, Directors and Company of the State Bank," except so far as the same are modified or altered by this Act, as fully and effectually, as if the several sections of said Act were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said Bank at any one time, shall not exceed the amount of the capital stock actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars in gold and silver, to be, with such part as the Commonwealth may subscribe in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in the manner following, viz.; fifty per centum thereof, on the first Monday of September next, twenty-

five per centum thereof, on or before the first Monday of December next, and the remainder thereof, on or before the first Monday in February next ; and no dividend shall be declared upon the capital stock of said Bank, until the whole of the said capital stock shall have been paid in, conformably to the provisions of this Act; and the Stockholders, at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which, being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns, until they shall otherwise determine ; and the said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of five thousand dollars, and no more, at any one time, with power to bargain, sell, dispose of and convey the same by deed, under the seal of said Corporation, and signed by the President or two Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such securities, as they may think advisable : *Provided, however,* May hold real estate. that nothing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution to any amount, as security for, or in payment of any debts due to said Corporation : *And provided further,* Proviso. that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital stock subscribed and actually paid in, and existing in gold and silver in the vaults, shall amount to fifty thousand dollars, nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, Commissioners to be appointed, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said Bank, or a majority of them, that said capital stock hath been bona fide paid in by

the Stockholders of said Bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital, and to return a certificate thereof to the Governor ; and no stockholder shall be allowed to borrow any money of said Bank, until he shall have paid in his full proportion of the whole of said capital stock, as hereinbefore provided and required.

Bank to be kept
in Southbridge.

SEC. 3. *Be it further enacted*, That the said Bank shall be established and kept in the town of Southbridge : and the whole number of Directors shall be nine, five of whom shall constitute a quorum for transacting business ; and a majority of the Board shall be inhabitants of said town ; and no loan or discount shall be made, nor shall any bill or note be issued by the said Corporation, or by any person on their account, in any other place than at the said Bank.

May call meeting
for making
by-laws, &c.
&c.

SEC. 4. *Be it further enacted*, That the persons herein before named, or any two of them, are authorized to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two newspapers printed in the County of Worcester, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting the affairs of said Corporation, as the Stockholders shall deem necessary : *Provided*, the same be not repugnant to the Constitution and laws of this Commonwealth, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Proviso.

Shall loan money
to the Commonwealth.

SEC. 5. *Be it further enacted*, That whenever the Legislature shall require it, said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock actually paid in at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not

exceeding five per centum per annum: *Provided*, Proviso.
however, that the Commonwealth shall never stand
 indebted to said Corporation without their consent,
 for a larger sum than twenty per centum of their
 capital then paid in.

SEC. 6. *Be it further enacted*, That the Common-
 wealth shall have a right, whenever the Legislature
 shall make provision therefor by law, to subscribe Commonwealth
may subscribe.
 on account of the Commonwealth, a sum, not ex-
 ceeding one half of the capital stock actually paid
 in, to be added to the capital stock of said Corpo-
 ration, subject to such rules, regulations and pro-
 visions as to the management thereof, as shall be
 by the Legislature made and established.

SEC. 7. *Be it further enacted*, That whenever the
 Commonwealth shall subscribe to the capital stock
 of said Corporation in manner herein before provi- Commonwealth
may appoint
Directors.
 ded for, in addition to the Directors by law to be cho-
 sen by the Stockholders, the Legislature shall have
 a right from time to time, to appoint a number of
 Directors to said Bank, in proportion as the sum
 paid from the Treasury of the Commonwealth shall
 be to the whole amount of stock actually paid in to
 said Bank, if at any time hereafter they shall see
 fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, Cashier to give
Bond.
 before he enters upon the duties of his office, shall
 give bond with sureties to the satisfaction of the
 Board of Directors, in a sum not less than twenty
 thousand dollars, with conditions for the faithful
 discharge of the duties of his office.

SEC. 9. *Be it further enacted*, That the said Corpo- Stock liable to
tax.
 ration, from and after the first day of October next,
 shall pay by way of tax to the Treasurer of this Com-
 monwealth, for the use of the same, within ten days
 after the first Monday of October and April annu-
 ally, the half of one per centum on the amount of
 stock which shall have been actually paid in.

SEC. 10. *Be it further enacted*, That the said Cor- Notes counter-
feited.
 poration shall be liable to pay, to any bona fide hold-
 er, the original amount of any note of said Bank
 counterfeited or altered in the course of its circula-

tion to a larger amount, notwithstanding such alteration ; and shall be holden to pay to any bona fide holder, the amount of any note of said Bank counterfeited, unless all the notes actually issued by said Corporation shall be printed or impressed with the stereotype plate : and that said Corporation shall not at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Stock not to be transferred for one year.

SEC. 11. *Be it further enacted*, That the capital stock of said Bank, shall not be sold or transferred, but be holden by the original subscribers thereof, for and during the term of one year from the passing of this Act.

SEC. 12. *Be it further enacted*, That in case this Act shall not be put into operation according to the provisions thereof within one year from the time of passing the same, then it shall become void.

Legislature shall have access to Books, &c.

SEC. 13. *Be it further enacted*, That any Committee, especially appointed by the Legislature, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults ; and if, upon such examination it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions or conditions in this Act provided, this Act of incorporation shall thereupon be declared to be forfeited and void.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXXI.

An Act to incorporate the President, Directors and Company of the Central Bank in Worcester.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That* William Eaton, L. W. Stowell, Isaac Davis, T. A. Merrick, David Stowell, Pliny Merrick, William Jennison, Daniel Heywood, Gardner Paine, Samuel Allen, Jr. Levi A. Dowley, Benjamin Butman, Asahel Bellows, Daniel Goddard, Isaac Goodwin, Artemas Ward, Anthony Chase, and their associates, successors, and assigns, shall be, and hereby are created a Corporation by the name of the President, Directors, and Company of the Central Bank, and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and hereby are, made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, or any other place whatever; and also to make, have, and use a common seal, and to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs: *Provided*, such by-laws, ordinances, and regulations, shall in no wise be contrary to the Constitution and laws of this Commonwealth; and the said Corporation shall always be subject to the rules, restrictions, limitations, and provisions herein prescribed.

Persons incorporated.

Name.

Proviso.

SEC. 2. *Be it further enacted, That* the capital stock of said Corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in two equal instalments, the first to be paid on the first day of October next,

Amount of capital stock.

and the second on the first day of March next, or at such earlier time as the Stockholders, at any meeting thereof may order; and the Stockholders, at their first meeting, by a majority of votes, may determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns until they shall otherwise determine; and the said Corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them and their successors and assigns, lands, tenements and hereditaments to the amount of ten thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable. *Provided however*, that nothing, herein contained, shall restrain or prevent said Corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of any debts due to said Corporation: *Provided further*, that no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars, nor until said capital stock in said vaults shall have been inspected and examined by three Commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the Corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Governor: and no stock-

May hold real estate.

Proviso.

Duty of Commissioners.

holder shall be allowed to borrow any money at said bank until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

SEC. 3. *Be it further enacted*, That the rules, limitations and provisions which are provided in and by the third section of an act entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the Bank hereby established. *Provided*, the bond required to be given by the Cashier shall be given Proviso. in the penalty of twenty thousand dollars, that the number of Directors to be annually chosen shall be seven, and four shall constitute a quorum for the transaction of business: *And provided also*, that the amount of bills issued from said Bank at any one time shall not exceed the amount of the capital stock actually paid in.

SEC. 4. *Be it further enacted*, That the Bank shall be established and kept in the town of Worcester. Location. A majority of said Directors shall be residents in said town, and all of them shall be inhabitants of the county of Worcester, and no loan or discount shall be made, nor shall any bill or note be issued by said Corporation or by any person on their account, at any other place than at the said Bank: and that said Corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said Bank, or of any other Bank incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

SEC. 5. *Be it further enacted*, That any committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books and vaults; and if upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, regulations or con-

Legislature may
appoint committee
to examine,
&c.

ditions, in this act provided, this act of incorporation shall thereupon be declared to be forfeited and void.

May call meeting for making by-laws, &c.

SEC. 6. *Be it further enacted*, That the persons hereinbefore named or any three of them, are authorized to call a meeting of the Stockholders of said Corporation at a convenient time and place, by advertising the same three weeks successively in the National Ægis, a newspaper printed in Worcester, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said Corporation, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Corporation liable for notes altered, &c.

SEC. 7. *Be it further enacted*, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any note of said Bank altered to a larger amount in the course of its circulation, notwithstanding such alteration, and shall also be liable to pay to any bona fide holder the amount of any note counterfeited, excepting all their notes are printed or impressed with the stereotype plate.

Tax.

SEC. 8. *Be it further enacted*, That the said Corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April annually, the half of one per centum on the amount of stock which shall have actually been paid in.

Corporation shall loan to the Commonwealth.

SEC. 9. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding twenty per centum of the capital stock actually paid in, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate not exceeding five per centum per annum.

SEC. 10. *Be it further enacted*, That the capital stock of said Bank shall not be sold or transferred, but be holden by the original subscribers thereto, for and during the term of one year from the time of passing this act; and in case the same shall not be put in operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Capital stock not transferable for one year.

SEC. 11. *Be it further enacted*, That no dividends of profits shall be declared or paid on the capital stock of said Bank until the whole of said stock shall have been paid in conformably to the provisions of this act.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXXII.

An Act to establish the Marine Elevating Dock Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Tileston, of the City of Boston in the County of Suffolk, Robert Gerry, of Stoneham, in the County of Middlesex, Henry Crehore, Ephraim Buck, and William Barrett, all of Malden, in said County of Middlesex, and Jonas B. Brown, of the said City of Boston, and such other persons as have associated and may hereafter associate themselves with them, be, and they hereby are, made a body politic and corporate, by the name of the Marine Elevating Dock Corporation, for the purpose of making and supporting Marine Elevating Docks, and by that name, they and their successors may sue and be sued, and generally do and execute whatever by law shall appertain

Persons incorporated.

Name.

May hold real
and personal
estate.

By-laws, &c.

Property to be
divided into
shares.

to bodies politic and corporate, and shall be capable in law, to take and hold in fee simple or otherwise, any lands, tenements, or hereditaments, not exceeding in the whole, the value of twenty-five thousand dollars; and shall also be capable in law, to take and hold personal estate, not exceeding in the whole, the sum of fifty thousand dollars; and shall also have power to sell, demise, exchange and otherwise dispose of, or manage, all or any part of their lands, tenements, hereditaments, and personal estate aforesaid, for the benefit of the said Corporation, and shall also have a common seal, which they may break, alter, and renew at their pleasure, and shall also have power to make by-laws, with suitable penalties, and not repugnant to the laws of this Commonwealth, and shall be subject to all the duties and requirements contained in an Act entitled "An Act defining the general powers and duties of Manufacturing Corporations," and in the several Acts in addition thereto.

SEC. 2. *Be it further enacted,* That the whole property of said Corporation shall be divided into twelve shares, not exceeding the value of six thousand two hundred and fifty dollars each, and said shares shall be considered in all respects as personal estate: and the said Corporation shall have power from time to time, to assess upon each of said shares, such sums of money as may be deemed necessary for the purposes of said Corporation; and for the payment of any such assessment, the said Corporation shall have power after notice given pursuant to their by-laws in that behalf, to sell and dispose of the shares of delinquent proprietors, at such time and manner as the said Corporation may determine; and in case of any sale of such shares aforesaid, a deed or deeds duly executed and acknowledged by the President of said Corporation, or by any person authorized by said Corporation, and recorded in their records, shall be as effectual to convey such delinquent proprietor's estate and interest in such shares, as if such deed had been made and executed by such proprietor himself.

SEC. 3. *Be it further enacted*, That the first meeting of said Corporation shall be called either by personal notice to each of the proprietors, or by advertisement in two or more of the public newspapers printed in Boston, such notice or advertisement to be at least seven days before the day of such meeting, and that at the said first meeting or any other legal meeting, the said Corporation may agree on the mode of calling and warning their annual and other meetings, and may elect a President and such other officers as they may judge proper for the orderly conducting of their affairs, and the management of their property, and may change or remove such officers at pleasure : and at all meetings each proprietor present shall be entitled to one vote for each of his shares, and any absent proprietor shall be entitled to vote in like manner by proxy authorized in writing.

First meeting.

May appoint officers, &c.

SEC. 4. *Be it further enacted*, That this Act shall be subject to revision or repeal at the will of the Legislature.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXXIII.

An Act in favour of the Fire Engine belonging to the Bemis Manufacturing Company in Watertown.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passage of this Act, the Selectmen of the town of Newton shall have power to appoint one half of the Enginemen to an Engine belonging to the Bemis

Manufacturing Company located in Watertown near the boundary line of said towns.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXXIV.

An Act to establish the Kingston Manufacturing Company.

Persons incorpo-
rated.

Name.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Richard F. Johnson, Abisha Stetson and Nathan Lazell, Jun. and such other persons as now are, or may be hereafter associated with them, their successors and assigns, be, and they hereby are, made a Corporation, by the name of the Kingston Manufacturing Company, for the purpose of manufacturing cotton in the town of Kingston in the County of Plymouth, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an Act passed on the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations," and the several Acts in addition thereto.

May hold real
and personal
estate.

SEC. 2. *Be it further enacted,* That said Corporation may be lawfully seized and possessed of such real estate not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton.

[Approved by the Governor, March 12, 1828.]

CHAP. CXXXV.

An Act establishing an additional term of the Supreme Judicial Court for the County of Bristol, and for altering the place of holding two of the terms of the Court of Common Pleas in said County.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be held and kept in the town of New Bedford, in the County of Bristol, on the Tuesday next preceding the third Monday of November annually, a term of the Supreme Judicial Court, to be held by one or more of the Justices thereof, in addition to the term now by law established for said County, and all officers are hereby directed to govern themselves accordingly.

Additional term
of S. J. Court
to be held at New
Bedford.

SEC. 2. *Be it further enacted,* That the terms of the Court of Common Pleas which are now established by law to be held at Taunton, within and for the said County of Bristol, on the second Mondays of June and December, shall hereafter be holden at said New Bedford, on the said second Mondays of June and December annually, any law to the contrary notwithstanding; and all officers are hereby directed to govern themselves accordingly.

Terms of C. C.
P. to be held in
New Bedford.

SEC. 3. *Be it further enacted,* That all actions in which the plaintiffs are citizens of the towns of New Bedford, Fairhaven, Dartmouth or Westport, may be heard and tried at the terms of the said Court of Common Pleas, and at the term of the Supreme Judicial Court, which by this Act are established to be holden in the said town of New Bedford: and that all actions in which the plaintiffs are citizens of any of the other towns in the said County of Bristol may be heard and tried at the terms of said Court of Common Pleas, and the term of said Supreme Judicial Court, which are now by law to be holden at Taunton in said County, and the

Justices of said Courts respectively, are hereby authorized and empowered to make and establish such rules relative to the trial of such actions, the causes of which have arisen or may arise in the aforesaid towns in the said County, as to them may seem just and reasonable.

[Approved by the Governor, March 12, 1828]

CHAP. CXXXVI.

An Act in addition to "An Act to incorporate the Middlesex Mutual Fire Insurance Company."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Middlesex Mutual Fire Insurance Company shall have power to insure all kinds of personal property in the same way and manner as the said Corporation is empowered to insure the kinds of property in said Act mentioned.

[Approved by the Governor, March 13, 1828.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, APRIL 26, 1823.

I HEREBY CERTIFY, that I have compared the Laws printed in this pamphlet, with the original Acts, as passed by the Legislature, at their session of January, February and March last, and that they appear to be correct.

EDWARD D. BANGS,

Secretary of the Commonwealth.

THE HISTORY OF THE

REIGN OF
HENRY THE SEVENTH
OF ENGLAND
BY
JAMES HALLAM, ESQ.
OF LINCOLN'S INN
IN TWO VOLUMES.
LONDON:
PRINTED BY J. JOHNSON, ST. PAULS CHURCH-YARD, 1795.

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FROM MAY, 1825, TO MARCH, 1828, INCLUSIVE.

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 4. The second part contains a detailed account of the
 5. operations of the different corps, and of the results
 6. of the various expeditions. The third part is devoted
 7. to a statement of the condition of the different
 8. branches of the service, and to a statement of the
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